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HOUSE JOURNAL

OF THE

NINTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF MONTANA,

BEGUN AT HELENA, THE CAPITAL OF THE SAID TERRITORY, ON THE THIRD DAY OF JANUARY, A D 1876, AND CONCLUDED ON THE ELEVENTH DAY OF FEBRUARY, A D 1876

PUBLISHED BY AUTHORITY.

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NINTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF MONTANA.

HOUSE JOURNAL.

FIRST DAY.

MONDAY, JANUARY 3, 1876.

The House met in pursuance of law, and was called to order by A. H. Barrett, Chief Clerk of the House of the Eighth Legislative Assembly.

The roll of members-elect was called when the following members appeared and answered to their names:

From the County of Madison—Sam. Word, David Kenneally, L. B. Olds, and Alex. Carmichael.

From Beaver Head County—Christian Mead.

From Deer Lodge County—Jno. C. Moore, Granville Stuart, J. C. Burkett, Patrick Woodlock, George W. Beal.

From Missoula County—F. L. Worden, Alfred Cave.

Lewis and Clarke County—Wilbur F. Sanders, W. A. Chessman, T. H. Clewell, J. M. Sweeney, J. H. McKnight.

Jefferson County—Otho Curtis, E. G. Brooke.

Gallatin County—A. B. Moore, Brigham Reed.

Jefferson and Gallatin (*joint*)—Sam. W. Langhorne.

Meagher County—Wm. E. Tierney, Louis Rotwitt.

Chouteau County—R. S. Ford.

Absent—Washington J. McCormick, of Missoula county.

On motion of Otho Curtis, Granville Stuart, of Deer Lodge, was elected Speaker, *pro tem.*

On motion A. H. Barrett was elected Chief Clerk, *pro tem.*

On motion of Otho Curtis, R. K. Emmerson was elected Sergeant-at-Arms, *pro tem.*

Mr. Mead nominated J. N. Thompson for Door-Keeper, *pro tem.*

Mr. J. C. Moore nominated J. M. Jordan for Door-Keeper, *pro tem.*

The House then proceeded to ballot, when Mr. J. M. Jordan, having received a majority of all the votes cast, was declared duly elected Door-Keeper, *pro tem.*

On motion of Mr. Sanders, a committee of three were appointed on credentials, consisting of Messrs. Sanders, Mead, and Ford.

On motion of Mr. Word, the House took a recess until 3 o'clock this P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Sanders, Chairman of the Committee on Credentials, reported as follows, to-wit:

MR. SPEAKER—Your Committee on Credentials beg leave to report that credentials in proper form have been presented showing that the following persons have been elected members of this House of the Legislative Assembly, and are entitled to seats therein, as follows, to-wit:

From the County of Madison—Samuel Word, David Kenneally, Alexander Carmichael, Lorin B. Olds (elected in the place of H. N. Blake, resigned).

Form the County of Beaver Head—Christian Mead.

From the County of Deer Lodge—John C. Moore, Granville Stuart, Israel C. Burkett, Patrick Woodlock, George W. Beal.

From the County of Missoula—Frank L. Worden, Alfred Cave, Washington J. McCormick.

From the County of Lewis and Clarke—William A. Chessman, Joseph H. McKnight, John M. Sweeney, Tilman H. Clewell, Wilbur F. Sanders.

From the County of Jefferson—Otho Curtis, Edward G. Brooke.

From the County of Gallatin—Amos B. Moore, Brigham Reed.

From the Counties of Gallatin and Jefferson, jointly—Sam. W. Langhorne.

From the County of Meagher—Wm. E. Tierney, Lewis Rotwitt.

From the County of Chouteau—Robert S. Ford.

All of which is respectfully submitted.

W. F. Sanders,
R. S. Ford,
C. Mead.

Report adopted.

On motion of Mr. Sanders, Associate Justice H. N. Blake was introduced, and administered the oath of office to the members present.

Nominations for Speaker being in order, Mr. Word nominated Mr. Sam. W. Langhorne, of Gallatin, for Speaker.

There being no other nominations Mr. Langhorne was, on motion, elected by acclamation.

Messrs. Word and Sanders were appointed a committee to conduct the Speaker-elect to the chair.

Nominations for Chief Clerk being in order, Mr. Moore, of Deer Lodge, nominated A. H. Barrett, of Madison, for Chief Clerk, who was, on motion, elected by acclamation.

The following message was received from the Council through Mr. Cullen, to-wit:

That the Council had effected a permanent organization, and was ready for the transaction of business.

Mr. Word then nominated Mr. A. J. Davidson, of Lewis and Clarke county, for Assistant Clerk.

Mr. Worden nominated Mr. John N. Heldt for Assistant Clerk.

Whereupon Messrs. Sanders and Moore, of Deer Lodge, were appointed tellers.

The House then proceeded to ballot. Mr. Davidson received seven (7) votes and M. Heldt received eighteen votes, and Mr. Heldt, having received a majority of all the votes cast, was declared duly elected Assistant Clerk of this House.

Messrs. C. C. Adams and N. Connelly were then placed in nomination for Enrolling Clerk.

There being no other nominations, the House proceeded to ballot, Mr. C. C. Adams receiving twelve votes, and Mr. Connelly thirteen votes. Whereupon Mr. Connelly was declared duly elected Enrolling Clerk of this House.

Messrs. James Genet, of Deer Dodge, James E. Kanouse, of Meagher, and Preston Scott, of Deer Lodge, were then nominated for Engrossing Clerk.

Mr. Genet received six votes.
Mr. Kanouse received fourteen votes.
Mr. Scott received five votes.

Mr. J. E. Kanouse having received a majority of all the votes cast, was declared duly elected Engrossing Clerk of this House.

Nominations for Sergeant-at-Arms being in order, the following persons were nominated, to-wit: R. K. Emmerson, of Jefferson county, C. L. Clark, of Gallatin county, Henry Whaley, of Meagher county, Thomas E. Pounds, of Deer Lodge county, James Halford, of Lewis and Clarke county.

The House then proceeded to ballot with the following result, to-wit:

Mr. Emmerson received seven votes.
Mr. Clark received six votes.
Mr. Whaley received six votes.
Mr. Pounds received five votes.
Mr. Halford received one vote.

Thirteen votes being necessary to a choice, and no one having received a majority of all the votes cast, the House proceeded to ballot a second time, which resulted in

Mr. Emmerson receiving eight votes.
Mr. Clark received four votes.
Mr. Whaley received eight votes.
Mr. Pounds received four votes.
Mr. Halford received one vote.

No choice.

The House then proceeded to ballot a third time as follows, to-wit:

Mr. Emmerson received fourteen votes.
Mr. Clark received three votes.
Mr. Whaley received six votes.
Mr. Pounds received one vote.

And Mr. Emmerson having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms of this House.

The following persons were then placed in nomination for Door-Keeper, to-wit:

J. N. Thompson, of Beaver Head county; J. M. Jordan, of Deer Lodge county; A. B. Miller, of Jefferson county; P. T. Williams, of Lewis and Clarke county; W. D. Wier, of Lewis and Clarke county.

The House then proceeded to ballot, which resulted as follows, to-wit:

Mr. Thompson received four votes.
Mr. Jordan received three votes.
Mr. Miller received four votes.
Mr. Williams received seven votes.
Mr. Wier received seven votes.

Thirteen necessary to a choice.

No choice.

The House proceeded to a second ballot, as follows:

Mr. Thompson received seven votes.
Mr. Jordan received two votes.
Mr. Miller received five votes.
Mr. Williams received four votes.
Mr. Wier received seven votes.

There being no choice, a third ballot was taken, which resulted as follows:

Mr. Thompson received eleven votes.
Mr. Jordan received one vote.
Mr. Miller received three votes.
Mr. Williams received one vote.
Mr. Wier received five votes.
Mr. Whaley received four votes.

No choice.

The House then proceeded to take a fourth ballot, and Mr. Thompson having received fourteen votes, a majority of all the votes cast, was declared duly elected Door-Keeper of this House.

Nominations for Watchman being in order, the following persons were placed in nomination:

H. McVeigh, of Lewis and Clarke county; Sam. Alexander, of Lewis and Clarke county; Frank Carpenter, of Meagher county; A. L. Parks, of Jefferson county.

No other nominations, the House proceeded to ballot.

Mr. McVeigh received six votes.
Mr. Alexander received nine votes.

Mr. Carpenter received six votes.
Mr. Parks received four votes.

No choice.

The House then proceeded to a second ballot, which resulted as follows, to-wit:

Mr. McVeigh received ten votes.
Mr. Alexander received eight votes.
Mr. Carpenter received five votes.
Mr. Parks received two votes.

No choice.

The House then balloted a third time, which resulted in Mr. McVeigh's receiving a majority of all the votes cast, and was declared duly elected Watchman of this House.

The House then proceeded to ballot for Page, with the following result:

Master J. B. Walker received fourteen votes.
Master J. Keuck received one vote.
Master Wm. Alexander received two votes.
Master Lee D. Brooke received eight votes.

Master J. B. Walker having received a majority of all the votes cast, was declared Page of this House.

On motion of Mr. Sanders, the following resolution was adopted:

Resolved, That under the limitations and conditions prescribed by section 1861 of the revised statutes of the United States, this House will now proceed to elect a Chaplain.

Nominations being in order for Chaplain, the following nominations were made:

Rev. E. L. Toy; Rev. W. C. Rommell; Rev. Mr. Russell; Rev. Palladine; Rev. W. Harris; Rev. Clark Wright.

The House then proceeded to ballot with the following result:

Mr. Toy received one vote.
Mr. Rommell received eight votes.
Mr. Harris received seven votes.
Mr. Russell received two votes.
Rev. Palladine received two votes.
Scattering, three votes.

There being no choice, the House proceeded to a second ballot, which resulted as follows, to-wit:

Mr. Toy received one vote.
Mr. Rommell received five votes.
Mr. Harris received seven votes.
Mr. Russell received one vote.
Rev. Palladine received three votes.
Mr. Wright received six votes.

No choice being made, the House proceeded to ballot a third time, which resulted in Mr. Harris receiving a majority of all the votes cast, and was declared duly elected Chaplain of this House.

On motion of Mr. Word, a committee of five, consisting of Messrs. Word, Curtis, Sweeney, Reed, and McKnight, were appointed a committee on rules of order.

On motion of Mr. Sanders, the following resolution was adopted:

Resolved, That the Speaker appoint a committee of three members to wait upon the Legislative Council and inform the members thereof that the House perfected its organization, and elected the following officers, to-wit: Speaker, Hon. Sam.

W. Langhorne; Chief Clerk, A. H. Barrett; Assistant Clerk, Jno. N. Heldt; Sergeant-at-Arms, Rufus K. Emmerson. And that the House will meet the Council at such time and place as it may designate to hear any communication the Governor may be pleased to make.

Messrs. Sanders, Ford, and Tierney, were appointed such committee.

On motion of Mr. Curtis, the House adjourned to 10:30 o'clock A. M. to-morrow.

SAM. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRETT, *Chief Clerk.*

SECOND DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 4, 1876.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. Worden, leave was granted to Washington J. McCormick, of Missoula county, until Thursday, January 6th, 1876.

Mr. Sanders, chairman of a Special Committee, reported as follows, to-wit:

MR. SPEAKER—The Special Committee of the House, appointed for that purpose, begs leave to report that it has waited upon the Legislative Council, and informed it of the organization of the House, and that the House would meet that honorable body, in joint convention, at such time and place as it should designate, to hear any communication the Governor should be pleased to make to the two Houses of the Legislative Assembly.

All of which is respectfully submitted.

W. F. Sanders,
R. S. Ford,
Wm. E. Tierney,
Committee.

Mr. Word, chairman of the Committee on Rules, reported as follows, to-wit:

Mr. Speaker—Your committee designated to prepare and report rules for the government of the House, at this session, beg leave to report to the House the rules of the House adopted at the Eighth Legislative Assembly, and recommend their adoption as the rules of this House of the Ninth Legislative Assembly.

On motion of Mr. Sanders, the report was received and adopted, and committee continued.

On motion of Mr. Word, a committee of three were appointed to wait upon the Secretary, and learn what provisions were made in regard to printing the rules of this House.

Messrs. Word and Moore, of Gallatin, and Brooke were appointed said committee.

A communication was received from the Council, through Mr. Watson, chairman of the committee, announcing that a committee of two had been appointed by the Council to act with a like committee from the House, to wait upon the Governor, and inform him that the two Houses were organized, and were ready to receive any communication he might be pleased to make.

On motion of Mr. Carmichael, the following resolution was adopted:

Resolved, That a committee of three be appointed by the House, to act with a like committee from the Council, and call upon the Governor, and inform him of the organization of both Houses.

Messrs. Carmichael, Chessman, and Woodlock were appointed said committee.

On motion of Mr. Worden, the following resolution was adopted:

Resolved, That a committee of two be appointed by the Speaker, to meet a like committee from the Council, to wait upon the Governor, and inform him that the two Houses are ready to receive any communication he may be pleased to make.

Messrs. Worden and Mead were appointed such committee.

Jas. E. Kanouse, Engrossing Clerk-elect, came forward, and was sworn.

Mr. Worden, chairman of the special committee to wait upon the Governor, reported the duty performed, and that the Governor would communicate his message forthwith, through his private Secretary.

The following communication was received from the Council through Mr. Comley, their Chief Clerk:

Mr. Speaker—I am instructed by the Council to inform your honorable body that the Council, the House concurring, will meet your honorable body in joint convention, at the Hall of the House at half-past 2 P. M., to receive any communication that the Governor may have to make to the Legislative Assembly.

Also that Mr. Bass has given notice of the introduction of a bill entitled "An Act in relation to public printing."

On motion of Mr. Sanders, the House took a recess to 2:20 o'clock, this P. M.

2:20 P. M.—The House resumed. Mr. Speaker in the chair.

Roll called—members all present.

Mr. Carmichael, chairman of the select committee appointed to wait upon the Governor and inform him that the House had perfected its organization, and were ready to receive any communication he might be pleased to make, reported the duty performed.

On motion of Mr. Chessman, the report was received, and the committee discharged.

The following communication was received from His Excellency, the Governor, through Mr. T. A. Cummings, his private Secretary:

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT,
HELENA, January 3, 1876.

To the Legislative Assembly:

Thomas A. Cumminngs, Esq., has been appointed private Secretary to the Governor. All communications from this Department, to the Legislative Assembly, will be delivered by him in person.

Respectfully,
B. F. POTTS, *Governor.*

The following message was received from his Excellency, the Governor:

THIRD BIENNIAL MESSAGE OF THE GOVERNOR OF MONTANA.

Gentlemen of the Council and House of Representatives:

Your attention is first invited to the following exhibit of the financial condition of the Territory, and the several counties, since the adjournment of your predecessors:

Total amount of taxable property returned in 1874	$9,384,311 50
Total amount of revenue collected for Territorial purposes in 1874	48,109 96
Total debt of the Territory on the first day of January, 1875	125,960 58
Total amount of expenditures for 1874	28,716 88
Decrease of Territorial indebtedness for 1874	2,800 89
Total indebtedness of the several counties, to the first day of March, 1874 (Missoula county not reported)	363,762 85
Decrease in the assessment of taxable property for 1874	419,433 50

ABSTRACT OF THE ASSESSMENT, BY COUNTIES, FOR 1875.

Lewis and Clarke county	$2,803,070 00
Madison "	1,698,504 00
Deer Lodge "	1,611,438 00
Gallatin "	1,021,263 00
Jefferson "	682,225 74
Beaverhead "	621,981 00
Meagher "	613,740 00
Missoula "	602,685 00
Choteau "	404,052 43
Total	$10,058,959 17

Increase over the assessment of 1874	$674,647 67
Total amount of warrants issued for 1875	32,287 72

The total amount of revenue received by the Territorial Treasurer for the year ending December 31, 1875, was as follows:

Received from Lewis and Clarke county	$14,709 25
" " Deer Lodge "	8,709 73
" " Missoula "	2,427 33
" " Beaverhead "	2,294 05
" " Choteau "	1,928 35
" " Gallatin "	4,017 20
" " Jefferson "	2,699 94
" " Madison "	7,374 91
" " Meagher "	3,067 48
Total revenue received from County Treasurers	$47,228 24
Received from estate of late Treasurer Wood, of Jefferson county	20 57
Total revenue from counties	$47,248 81
Received from labor of Territorial convicts	1,008 05
Total receipts from all sources	$48,256 86

LIABILITIES OF TERRITORY DECEMBER 31, 1875.

To 12 per cent bonds	$ 98,250 00	
To interest on same to Dec. 31, 1875	6,115 00	
To warrants outstanding Dec. 31, 1875	33,795 07	
To interest on same to Dec. 31, 1875	2,118 46	
To estates of deceased persons	224 77	
		$140,503 30

ASSETS OF TERRITORY.

By balance in warrant fund	$ 526 66	
By balance in forty per cent fund	7,291 58	
By balance in sinking fund	7,000 00	
Total assets	$ 14,818 24	
By registered indebtedness proper	125,685 06	
		$140,503 30
Decrease of debt for one year		275 52

Number and value of stock returned by the assessors:

Stock.	*Number.*	*Value.*
Cattle	144,327	$1,879,124
Horses	25,274	864,898
Mules	1,896	108,918
Sheep	20,790	65,489
Hogs	5,028	18,920
Total		$2,937,359

The indebtedness of the several counties on the first day of March last was as follows:

Lewis and Clarke county		$121,067 99
Missoula	“	87 985 81
Gallatin	“	56,611 09
Madison	“	31,486 04
Deer Lodge	“	56,152 44
Jefferson	“	51,968 68
Meagher	“	36,067 98
Beaverhead	“	5,825 00
Choteau	“	3,584 16
Total		$450,749 20

For the year ending March 1st, 1875, the debt of the following counties increased:

Gallatin	county	$11,863 17
Missoula	“	15,588 41
Deer Lodge	“	8,139 25
Jefferson	“	2,688 77
Meagher	“	5,355 47
Total		$43,635 07

The rapid increase of the local indebteness makes it necessary for the legislative assembly to adopt some legislation that will stop its increase and place it in the course of liquidation. Our sources of revenue are too limited to allow so rapid an increase of local indebtedness and yet avoid the dishonor of our credit. For relief from these growing burdens the people must look to the legislative sssembly. The executive alone has no power to provide a remedy. The reduction of fees and salaries of district and county officers; the consolidation of certain county offices; and the re-enactment of the act approved November 20, 1867, requiring the courts to tax jury fees to the unsuccessful party in each action tried by a jury, heretofore recommended as a remedy for increasing expenditures, were disregarded by your predecessors, and the increase has continued.

That one man can perform all the duties now performed by the sheriff and treasurer of any county in the territory, and for one-half the compensation now paid, is no longer a debatable question; and the same reasoning will apply with equal force to the offices of probate judge and county clerk; or, if the judges of district courts will appoint the officer elected by the people as county clerk, clerk of the district court in the county, it will enable the legislative assembly to reduce the fees of both offices and thereby largely reduce the expenditures of the several counties. Our present county sytem is not adapted to the condition of counties so sparsely settled as ours. It provides for as may officers as does the county system of the most populous states, and yet we have neither the business nor the revenue to sustain it. A community, no more than one of its individual members, can live indefinitely under the pressure of a steadily increasing debt. The expenditures of our local governments must be checked, and their power to contract debts restricted.

The legislative power assumed and exercised by county commissioners should be prohibited by law, and no claims should be allowed unless clearly authorized by law. And in this connection I would respectfully recommend that a copy of the report now required by law to be made by the county commissioners at their March session be filed annually in the office of the clerk of the district court, and that it be made the duty of the court at its next term to appoint a competent person, who, with the district attorney, shall examine the report, with power to send for persons and papers and enfore the attendance of witnesses; and if it appears from said examination that any expenditure has been made without express authority of law, the same shall be reported to the court, and it shall be the duty of the court to direct the district attorney to institute proceedings against the commissioners, on their official bonds, for the amount illegally allowed. Such a supervisory power granted the court will check the reckless extravagance that has characterized the proceediggs of some of the county boards.

In recommending the consolidation of county offices, I would not have the law take effect upon its passage, but let it be provided that it shall take effect and be in force from and after the expiration of the terms of the present incumbents.

In considering the subject of the reduction of fees and salaries, you will doubtless be met with the argument that they were reduced by a law passed at the extraordinary session, but a close comparison of the old and new law will show that the reduction was very inconsiderable, and in fact it is claimed by many who have had occasion to carefully notice the operation of the new law that the clerks of the district courts obtain as large fees as under the old law. The reduction of the salary of the territorial auditor and treasurer one-half, made by your predecessors, was cordially approved by the executive, but their refusal to make a like reduction in the fees of district and county officers was so inconsistent and unreasonable that it presented the appearance of political partisanism. Your attention is invited to this inconsistency with the hope that you will remove it by appropriate legislation.

The following views, presented in my first biennial message, are reproduced here, to which your attention is respectfully invited: "I think it not improper to state that, in my opinion, every public officer should receive a fixed salary, and the whole system of compensation by fees, to be collected from parties or from the counties or territory, ought to be abolished.

The value of the services of the clerks and sheriffs can be as easily estimated as can those of the district attorney or territorial auditor; and when parties litigant are to be taxed with costs, let it be taxed in favor of the county or territory and collected from such party as the court may direct, and under suitable regulations, be paid into the county or territorial treasury. The fees of clerks and sheriffs heretofore charged against litigants can, by a proper classification, be commuted to a fixed sum and paid into the county treasury on the certificate of the clerk. I believe this system both practicable and juidicious, with respect to all officers who have heretofore been compensated in whole, or in part, by fees."

I feel that I cannot too strongly insist upon such legislation as will insure the decrease of county expenditures. Our local indebtedness is a hardship and a burden to all, except the capitalist who has money to invest in our securities. The debtor class that is compelled to borrow is seriously oppressed by high rates of interest which would be largely reduced if we had no territorial or county securities on the market. It is believed that if we had no securities to absorb our home capital, the rate of interest to borrowers would not exceed 12 per cent per annum. As the energetic and enterprising people of every community are to some extent borrowers, legislators should be careful not to oppress them by laws that will cramp their energies or dull their spirit of enterprise.

The legislature at its last session made it the duty of the territory to relieve the counties of the expense of the support of the insane and the cost of collection of the statistics and at the time reduced the levy for territorial purposes one-fourth, and added the revenue taken from the territory to that of the several counties. This legislation increased the territorial expenditures nearly seventeen thousand dollars and reduced the revenue for territorial purposes about ten thousand dollars. Such unwise legislation is the result of the legislature not considering the subject of public expenditures in connection with the question of raising revenue to meet the same. The reduction of the revenue was made early in the session, but the large expenditures were not authorized until the last hours of the session when it was too late to change the revenue law, which shows how unwise it is to defer important legislation until the closing hours of the session. To do justice to the credit of the territory, which has depreciated somewhat in the last six months on account of the increase of expenditures, the levy for territorial purposes should be increased to four and one-half mills on the dollar and the counties should pay the cost of collecting the statistics or the law be repealed.

The present bonded debt of the territory is about ninety thousand dollars, which is payable on or before June first, eighteen hundred and seventy-nine. Nearly four years have elapsed since the issue of the bonds and yet not more than fourteen thousand dollars of the original sum of one hundred and four thousand three hundred and fifty dollars have been paid. No reasonable increase of the levy for territorial purposes will be sufficient to raise revenue enough to cancel the bonds when they mature. I therefore recommend that you authorize the issue of new bonds, payable in seven years—and at the option of the territory after two years—bearing interest at the rate of 10 per cent per annum, payable semi-annually on the first days of January and July, in the city of New York; the bonds not to be sold at less than their par value, and the issue to be limited to the amount of the old bonds outstanding at the date of the issue of the new bonds. After a careful consideration of the subject and some correspondence with eastern capitalists, I think it safe to say that a new issue of bonds bearing 10 per cent interest, the proceeds to be applied to redeem the old issue, can be disposed of at par. If this result can be reached it will save two per cent per annum on the entire bonded debt of the territory and add strength to her credit by the payment of her bonds before maturity. The cost of placing the bonds on the market will be small compared with the amount saved in interest to the territory. I think this subject should receive your early and careful consideration, and if these views meet with your approbation, that they be carried into effect by appropriate legislation.

I invite your careful attention to the defects in the laws in relation to taxation and collection of revenue. Many of them are so obvious that they will readily suggest themselves to you. A certified copy of the quarterly and annual settlements of the county treasurers with the county commissioners should be forwarded during the session of the board making the settlement with the territorial auditor, and he should be required to charge the territorial treasurer with the amount found due the territory from the several counties as shown by the settlements returned to him. The territorial auditor is now without any knowlege of the amount of revenue due from the several counties and his office is therefore no check on that of the territorial treasurer.

The list of property exempt from taxation is too large and works great injustice to the present taxpayer. Mining property from which the owner derives an annual revenue should be taxed like other property. Church edifices of the value of five thousand dollars and upwards should be placed on the list of taxable property, and all other church property and the property owned by the Orders of Free Masons, Odd Fellows, and Good Templars should be taxed the same as the property of individuals. A church organization that is wealthy enough to own a church building of the value of five thousand dollars, should not consider it a hardship to be required to share the burden of taxation. The exemption of this class of wealth from taxation must increase the taxes of the masses, which appears to me to be unreasonable and unjust.

The law now requires county commissioners to divide their respective counties into not less than three nor more than ten revenue districts. I believe a better assessment will be obtained in the small counties by one assessor than is now obtained by three. I therefore recommend that the law be so modified that the revenue districts shall not exceed three in any county. It is earnestly recommended that the blanks used by the assessors in the several districts be printed under the direction of the territorial auditor, as other public printing is done, and distributed in the same manner as he is now required to distribute blank tax receipts, licenses, etc. This will secure uniformity in the assessments and save money to the several counties.

I respectfully urge the increase of the license tax on dealers in spirituous liquors. No tax is less burdensome on our industrial interests, or paid with less complaint, or is less felt by all classes, than a tax on spirituous liquors. The consumption of spirituous liquors does more to create debt, and the necessity for a high rate of taxes, than is realized from the ordinary taxation of such property. It fills our prisons, our asylums and infirmaries and greatly increases the expenses of our courts of justice. Shall it not be taxed to meet the expenses it compels society to incur? Shall it not be compelled to share the burden that it imposes on the property and labor of the people? In case you decide it to be unwise to increase the license tax, I then recommend that you impose a tax of twenty cents on every gallon of spirituous liquors brought into the territory for consumption. This tax will yield a revenue of nearly twelve thousand dollars per annum, and will insure the rapid payment of the public debt. The collector of internal revenue reports that 57,620 gallons of spirituous liquors were consumed in the territory during the last year.

By direction of the Attorney-General of the United States, the penitentiary at Deer Lodge was transferred to the control of the authorities of the United States on the first day of August, A. D. 1874, and the territory ceased to control the same from that date. At the time of the transfer I entered into a contract on behalf of the territory with the Attorney-General for the confinement in the penitentiary of all persons convicted of violating the laws of the territory, and sentenced to imprisonment in the penitentiary, at the rate of one dollar per day for each convict so confined, which contract will expire on the first day of August next. The directors and warden were continued in office to audit and certify to the accounts of the United States under said contract, and to manage the labor of the convicts. The warden is now serving for a salary of forty dollars per month. I recommend the repeal of the act to regulate and govern the penitentiary at Deer Lodge city, Montana territory, approved May 6, 1873, and the enactment of a statute similar to that found on pages 565–6 of the codified statutes of 1871–2. Total amount paid for keeping convicts and paying officers since November 15, 1873, $16,379.51. Amount received from convict labor for same period, $3,762.66. The penitentiary is well managed, and the health of the convicts is good. The list of pardons and the reason for the exercise of the pardoning power in each case will be submittted for your information early in the season. The report of the directors is submitted herewith, to which your attention is respectfully invited.

The act to provide for the custody, maintenance and treatment of the insane, approved February 13th, A. D. 1874, empowered the governor to contract with the directory of the Saint Vincent's hospital, in the town of Helena, or the directory of any other hospital in this territory, for the custody, maintenance and treatment of all insane persons of the territory of Montana, for a length of time not to extend beyond the regular session of the legislative assembly. Immediately after the adjournment of the legislative assembly I addressed the persons in charge of the hospitals at Helena and Deer Lodge, requesting proposals for keeping the insane, but learned that they were under one management, and therefore would not become competitors. The necessity was so great for some provision for the care and treatment of the insane that the proposition of Sister Lorretta, in charge of the hospital at Helena, was accepted, and a contract made to pay twelve dollars per week in warrants for each insane person confined in said hospital. The contract went into operation May 1st, 1874, and expired Dec. 31, 1875. The number of patients received was thirty-four; discharged, seven; died, four; the cost to October 31, 1875, $15,214.25. The number of patients received is largely in excess of the number anticipated when the act was approved. The hospital accomodations for the number of patients confined is, in my judgment, entirely inadequate, the grounds are too contracted, and the buildings not sufficiently ventilated. In view of the fact that the number of the insane is likely to increase as our population increases, and as no private hospital in the territory has proper accomodations for the present number of insane, I am constrained to recommend the erection of a suitable asylum building at some eligible point in the territory. From a careful consideration of the subject I am satisfied that the cost of maintaining an asylum cannot exceed that now paid to the hospital, and the treatment and comfort of the patients will be greatly improved. Insane persons should receive the constant attention of some person of experience in the treatment of such cases. It is not reasonable to suppose that an ordinary practicing physician, no matter how skillful a practitioner he may be, is qualified to successfully treat insane persons. To treat insanity successfully a physician must make the study and treatment of the disease a specialty, and the number of patients now maintained by the territory should have the entire attention of the physician in charge. Many of the cases now under treatment present the worst type of insanity, and will probably have to be cared for during life at the public expense. Dr. C. F. Stewart, who organized the insane asylum of the state of Nebraska and was its superintendent for some years, says: "Experience has taught us that a large per cent of all recent cases of insanity is curable under favorable circumstances, and it is economy as well as humanity to prevent so many cases from becoming chronic and incurable—a burden and expense for life." Humanity requires that this unfortunate class of our citizens should have the benefit of the best means that can be devised for their relief, but in my opinion such relief can not be obtained in any of the private hospitals, as now organized and managed. I think the building of an insane asylum large enough to accomodate at least forty patients is demanded by every consideration of public policy.

In my message to the legislature at their last session I held the following language in regard to the enactment of a law prohibiting the sale or giving away of intoxicating liquors on election days: "The shameful practice of using intoxicating liquors to control electors in the exercise of the electorial franchise, has induced the legislatures of many, if not all the states, to enact stringent laws prohibiting the sale or giving away of any kind of intoxicating liquor on election days. Where this law is in force all good citizens aid in its enforcement, notwithstanding there may be a diversity of opinion among them as to the wisdom or propriety of prohibitory or temperance laws. The propriety—I might say necessity—of such a law in this territory cannot be seriously questioned by any, for at almost every election held in the territory the people are compelled to witness the humiliating spectacle of men in a state of beastly intoxication being dragged to the polls by designing men, and without the exercise of any intelligence above that of the brute creation, their ballots are deposited. This class may not be numerous, but it is too large, and is sufficient, at all closely contested elections, to control the result and defeat the intelligent and sober judgment of the people. No duty that a citizen is called upon to discharge requires more mature and thoughtful reflection than that of casting the ballot, and I regret that it is often discharged in the most reckless and thoughtless manner. No court in the territory will permit a man in a state of intoxication to testify as a witness, or sit on a jury in the most trivial case; yet judges of election will receive his ballot, which may defeat the enactment of the most necessary laws that the wisdom of man ever proposed. The reckless extravagance that has heretfore characterized the conduct of the affairs of the territory and counties, by which a large debt has been contracted, may be largely attributed to the want of sober action at the polls. I can think of no question that can be presented for your consideration during the present session that is of so much importance to the future welfare of the people of the territory, as this, and I earnestly hope that you will be pleased to legislate favorably on the same." I can add nothing to the force of what I have before said, but desire again to earnestly recommend the enactment of such a law.

The secretary of the territory is authorized to cause to be printed the reports of the territorial auditor and treasurer at the expense of the United states. I therefore recommend that the law requiring the auditor to cause the same to be printed at the expense of the territory be repealed. The law requiring the territorial printing to be let to the lowest bidder has secured the same amount of printing annually for about three hundred dollars, that cost the territory, before the passage of the law, nearly ten times that sum. The operation of that law has been so satisfactory that I recommend the passage of a law requiring all county printing to be let to the lowest bidder. Such a law will prove satisfactory to the people and very materially improve the credit of the several counties.

The election of delegates to congress in the several territories is fixed by the laws of congress on the first Tuesday after the first Monday in November, 1876, and every two years thereafter. I respectfully recommend that the time fixed for the election in this territory be changed to conform to the time fixed for the election of delegate to congress, that the cost of an additional election in the same year may be avoided. I believe it would be advantageous to so amend the election law as to make our county elections biennial instead of annual. It is suggested that all district, county and township officers be elected at the same time that is fixed for the election of delegate to congress, and that their term of office be limited to two years, and all vacancies that may occur be filled by appointment until the next general election. The adoption of this plan will save the cost of an election and the loss of time, and expense to each elector, incident to an exciting election. I ask for this subject your careful consideration.

I cannot too strongly urge the enactment of a law prohibiting sporting, rioting, quarreling and engaging in common labor (work of necessity and charity excepted) on the first day of the week, commonly called Sunday, excepting from its provisions those of our citizens who religiously observe the seventh day of the week as a day of rest. This is the third time that I have urged this subject on the attention of the legislature, and I have now more confidence in the wisdom and justice of the recommendation than at any time heretofore. I hope the subject will be urged upon the attention of every legislature that assembles in Montana until it is enacted into a law.

The act to provide for the education of deaf, mute and blind children, approved February 13, 1874, authorized the governor and superintendent of public instruction to contract with any suitable institution in any state or territory in the United States for the education of any deaf, mute or blind children residents of the territory between the ages of eight and sixteen years, at an expense to the territory of not more than three hundred dollars per annum. Correspondence was opened with several institutions, but all were found crowded to their full capacity, and consequently no contract could be made.

A large number of the officers of the several counties, who are required by law to make reports, totally disregard the law, and the most important reports are withheld until the officers are pleased to make them. The completion of the reports of territorial officers was delayed until nearly the close of December because of the delay of county officers in making their reports. This evil has increased each year until it is now almost impossible for territorial officers to obtain from the counties such information as enables them to make intelligent reports to the legislative assembly. The public service is injured by these delinquencies, and you should provide for the summary punishment of delinquent officers.

The improvement of the channels of the navigable rivers of Montana has not heretofore received the attention its importance demanded. We have failed, for want of concert of action, to bring to the notice of the government the fact that with a small appropriation the Missouri and Yellowstone rivers can be so improved as to render their navigation easy and practicable into almost the center of the territory during the ordinary boating season. Lieutenant-General Sheridan demonstrated during the past season that the Yellowstone river is navigable for Missouri river steamers to a point above the mouth of Big Horn river, and it is the opinion of those who appear to be able to judge correctly, that a steamboat built especially for the navigation of that river can reach a point within one hundred miles of Bozeman. The safe and rapid navigation of our rivers cannot but exert a favorable influence on the present and future prosperity of the territory. The navigation of the Missouri river has already secured from the Union Pacific railroad, rates that enable the people of Montana to lay down freight in the territory from the eastern cities at about the same cost as now paid by the people of Utah. As the navigation of our rivers must always operate as a check on the rates of freight charged by railroads, I respectfully recommend that Congress be requested to appropriate an amount of money sufficient to improve the navigation of the Missouri and Yellowstone Rivers. I invite your attention to the following extracts from the reports of Lieutenant Colonels Forsyth and Grant, who accompanied the expedition up the Yellowstone in June last, for the purpose of showing the character of the river and the country bordering on the same.

LIEUTENANT COLONEL J. W. FORSYTH'S REPORT.

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"The banks and bottom of the river, from its mouth to Stanley's Shoals, forty-two miles from Fort Buford, are about the same as that of the Missouri, but at these shoals the bed and banks change to gravel, and the Yellowstone, throughout its length passed over by us, is bounded by a gravel bed and walls.

"We had no trouble making our way up to this camp (Powder river) by the use of our steam-power alone; found no snags or rocks to interfere with our progress. The water was muddy, but not so thick and bad as the Missouri. Current, about four miles an hour, except on the rapids, where it was, of course, much greater. The main Wolf Rapids, which are regarded as about the most difficult in the lower river, are 250 feet long. We steamed back and forth across them with great care, taking soundings. The least depth of water was eight feet, and we estimated the current to be about six miles an hour. The south bank, near Wolf Rapids, has a perpendicular face on the river, fifty feet in hight, with horizontal veins of coal, five feet and less in thickness, running through it. The ground, on the north bank, drops down into a low prairie point. Powder river, at its mouth, is 125 yards wide;

current, sluggish, and the water of a dark reddish color. Its east bank is bounded by a rough line of hills, of a bad land character and appearance. On the west bank, there is a small patch of prairie, near its mouth. Very little open country on the south bank of the Yellowstone; on the north bank, high prairie, which is quite extensive, varying in width, and is finally closed in on the river by a range of hills 350 feet high, which form the north bank of the river, about two miles from our camp, and which, from their appearance, were called Devil's Backbone Buttes. They pushed down on to the Yellowstone in our front, and seemed to be barriers to our further progress to the west. Small amount of cottonwood and willow on the Powder river; very little growing timber on the Yellowstone.

"About five miles above Powder river, a small creek winds its way through it, and is known as Custer's creek. Passed a small stream which puts into the river from the south, a little above the Devil's Backbone. It heads in the hills, some distance to the south of us, near a butte which we called Cap Butte, and the stream was called Gun creek. Its valley is small, and filled with growing pine. The banks of the Yellowstone, near Gun creek, are much lower than at any other point passed, so far, on the river. On the south bank we had a prairie covered with prickly pear, sage brush, and some bunch grass. On the north side, the hills, which are about 150 feet in height, close into the river. We passed a high bank of clay, with coal underlying it. Hills on the south, close into the river, with plateaus on top, and cedar growing on them. Prairie extends along the bank of the river, on the north side, of the character already described, about five miles deep. Twenty-four miles from the mouth of Powder river, we struck the main Buffalo Rapids, which are half a mile in length, with a current which runs about six miles an hour. Passed back and forth through the rapids, and found that the lowest depth of water was seven feet in the channel. Had no trouble in steaming over them, although we had a heavy head wind, as well as the current, to contend against. In our progress up the river, for the next two or three miles, the surface of the water was disturbed by ripples, indicating a broken or rocky condition in the bed of the channel, which interfered with the peaceful flow of the water, but did not amount to anything like an impediment to the successful navigation of the stream. We passed the mouth of Sunday creek, which falls into the river from the north, only presenting to the eye a small valley about six miles in length, and then, in succession, several large and finely-timbered islands, reaching the mouth of Tongue river, which is eleven miles from Sunday creek, and thirty-eight miles from Powder river. From the head of Buffalo Rapids, on the south bank, a high range of sharply-defined hills, the most prominent butte being called Martin's Butte, run diagonally across from the Yellowstone to the valley of the Tongue river. Between this range, which is from 200 to 300 feet high, with very little timber or verdure visible, and the two rivers, is a bottom covered with sage, prickly pear, and bunch grass. Along the Yellowstone the cottonwood timber increases at each step of the route, till you reach the rich timbered valley of the Tongue river. On the west side of this last-named river, the cottonwood fringes the Yellowstone, and behind it, running back to the hills, we found a bottom five miles long, and two or more miles deep, covered as the one just described on the east bank.

"Left camp at the mouth of Tongue river, and reached the mouth of the Big Horn river, which is 165 miles from Powder river and 127 miles from Tongue river. We found the general character of the country, on the north bank, as described by General Stanley in his report. The only streams that we discovered flowing into the Yellowstone, on the south bank, between Tongue river and the Big Horn, were Emmet's creek and a creek which is called Alkali creek. Pine and cottonwood increased very rapidly, as we made our progress to the west. The river was filled with islands, all well-covered with a heavy growth of cottonwood, and the surface of the ground carpeted with fine bunch grass, wild rye, and sage. The hills that open and shut off the valley are, as a general thing, not so high as those in the lower part of the river, and are rounded off, covered with sage and bunch grass, and with every indication of a plateau country behind them, which would give good grazing. Where the hills break abruptly on the river, they give sandstone bluffs, instead of the clay of the lower country. The major part of the prairie bottoms are on the north side; the only large one, between the points named on the south bank, runs up to within eleven miles of the Big Horn, and has a frontage on the river of about twenty-one miles, varying in width from half a mile to four miles. These prairie bottoms are formed in two benches, the lower one from three to four feet above the water, well-timbered, but, by the driftwood seen, must be subject, at times, to an overflow. The other, or second bench, is some four feet higher than the first, and gradually slopes back to the hills.

"After making an examination of the Big Horn, we pushed up on the Yellowstone river. Above the Big Horn, the water of the Yellowstone was clear, and, although we left this large tributary, which is 150 yards wide, and throws into the Yellowstone an immense volume of water, behind us, still the channel, and the quantity of water, and the bed of the stream, gave no signs, to be discovered by our eyes, of any diminution in its capacity, power, or strength. The width of the river averaged about 300 yards, and, at many places, from main shore to main shore, it was fully 1,000 yards.

"I can say of the country generally, that the north bank is almost continuous bluffs and hills from the Big Horn river to the large prairie opposite the mouth of Clark's Fork, and that, on the south bank, you have the prairie bottom complementary thereto. Pompey's Pillar prairie is fully twenty miles long, and the prairie opposite Clark's Fork extends to the west up to, if not beyond, Bridger's Canon. These prairies seemed to improve somewhat as we went west, though the growth was about the same as upon those already described. Growing timber along the rivers was not so abundant beyond Pompey's Pillar, as up to that point, though there is an inexhaustible supply in the country to meet all the demands that a settlement of this valley would require. In regard to the rivers rising south of the Yellowstone, and emptying into it, I shall first mention Tongue river. The water of this river is of a reddish tinge, it is 150 feet wide at its mouth, and holds to this width for some two miles or more from the main river. It is quite crooked, with a depth of water, at the mouth, of seven feet. The main valley of the Yellowstone is about two miles wide where it is joined by the above stream, and is a prairie bottom with some good grazing. Both streams are well-timbered with cottonwood, and, where the Tongue river breaks through the hills, its valley is about two miles wide. The hills on the east bank are 350 feet high, and the country beyond is very broken. Those on the north, near the main valley, are clear-cut, conical in shape, covered with sage bush and bunch grass, and are not over 150 feet high, but increase as you go up the valley.

"I found the place where the Rosebud river was reported as empting into the Yellowstone, but the bed of the stream which I examined was a dry one, with no sign of water. The valley where it joins the Yellowstone is not over a mile long, all told, and no sign of any camp or occupation by Indians; very little timber and no valley to it, except the short one from the hills of the Yellowstone to the main river. In fact the result of my examination, both coming up and going down the Yellowstone, leads me to believe that the Rosebud river does not empty into the Yellowstone direct, but that its waters are conveyed to it through the Tongue river and not into the Yellowstone. Emmet's creek is twenty-four and a half miles above Tongue river, about twenty-five or thirty feet wide, and winds its way through a small prairie from the hills to the parent stream, has some cottonwood and ash growing on its banks. Near its mouth we found four piles of stone, which mark the spot where Meldrum's trading post once stood. Signs of old Indian camps near this stream.

"We steamed up the Big Horn river for a distance of twelve miles, found it quite crooked, with a narrow valley, and were obliged to return on account of the water becoming distributed over so wide a space that the main channel did not afford a sufficient depth of water for us to continue our course. The current of the Big Horn was about as strong as that of the Yellowstone; water muddy, and at the mouth it was about

150 yards wide. Where it joins the Yellowstone, the points of land on each side are small prairies with good grass. On the east bank the bluffs run close to the river and are sparsely timbered. On the west bank the valley is mostly filled with cottonwood, and the hills are about 150 feet high, with plateaus on the top. Near the point where we turned back, there was a small stretch of prairie about a mile wide and a mile and a half long. The north bank of the Yellowstone opposite the mouth of the river is a sandstone bluff, 150 feet high, with rolling plateau on top covered with sage and some bunch grass. Where Pryor's river empties into the Yellowstone, sixty-two miles above the Big Horn, is a small stream, twenty-five feet wide, winding through the western part of the prairie, which extends from Pompey's Pillar to it. Very little lumber on it. It is reported to have a fine country near its headwaters.

"The Yellowstone river from the highest point reached by us to the mouth of Powder river, sweeps through the country in long and majestic stretches, with a current of at least four miles an hour. Its bosom is studded with islands by hundreds, some of which are three or more miles in length, and covered with cottonwood groves; and many are so handsome that they almost make the voyager believe that they are the well-kept grounds pertaining to some English country house. I never saw so fine a growth of cottonwood in all my life, as on the Yellowstone, twenty-five miles above Tongue river. These trees will run from three to five feet, and some are six feet in diameter. The supply of cottonwood and pine which exists throughout the upper Yellowstone country is ample to meet all the requirements of any settlement of the valley; and the indications are that large beds of coal can be found and worked in the neighborhood of Powder river. Sandstone bluffs crop out on the Yellowstone above Tongue river, and some limestone was passed above Pompey's Pillar. The mouth of the Big Horn may be regarded as the head of navigation on the Yellowstone river, and for three months of the year this river presents less obstacles to its navigation than the upper Missouri, and, indeed, many other rivers in this and other countries. The channel is unchanging, for it passes over a gravel bed from its head to its mouth, and there are no snags. When this is contrasted with the shifting and unreliable water of the upper Missouri, it ought to make the rates of insurance less on the Yellowstone river than on the upper Missouri. We found the greatest abundance of game along our entire route—antelope, bear, black-tail deer, elk, mountain sheep, also herds of buffalo, between Tongue river and the Big Horn, as we went up, but before we returned they had all crossed the river and gone north. * * * * * *

LIEUTENANT COLONEL F. D. GRANT'S REPORT.

"The Yellowstone river is fairly navigable up to a point thirty miles above the mouth of the Big Horn. The islands, of which there are a great many, differ from those of the Missouri by being comparatively permanent. They are all well timbered with cottonwood, box-alder, and some ash. The Yellowstone valley presents many beautiful landscapes. It is particularly grand when seen from the mouth of Powder river; and from the mouth of the river down to the Missouri the soil is an ashy clay, on which little or nothing will grow. Adjoining the river, however, are several extensive plats that are comparatively fertile. A sort of coal (lignite) exists in all the banks below Powder river. The coal contains so much sulphur that it probably cannot be used for any other than domestic purposes. Beds of gypsum are found wherever the coal has been burnt out, and above these beds are red banks. From Powder river up to the mouth of the Big Horn sandstone makes its appearance in larger quantities, and the hills are capped with gravel, mixed with earth. After passing the mouth of the Big Horn, the strata of sandstone become harder and thicker, and the growth of pines is much larger. At a distance of from twenty to thirty miles back from the river, on the south side, a park country exists, as is evidenced by the abundance of game coming from that direction. Miners have found color in prospecting for gold in the different streams in the mountains of this locality. As the tributaries of the Yellowstone have a gravelly bottom of igneous and metamorphic rocks, porphyry, granite and quartz, there is no reason that there should not be gold found, even in considerable quantities, in this formation. The Yellowstone river has its source in the Yellowstone lake, and takes a course a little west of north until it unites with Shield's river. At this point it takes a general direction a little north of east to the mouth of Powder river, and thence a due eastern course to the Missouri. In low water the stream is navigable with ease as far up as Pompey's Pillar. The fish of the Yellowstone consist of catfish near its mouth, shiner, catfish and jack salmon between Powder river and the Big Horn west of Powder river. Buffalo, elk, antelope, mountain sheep and beaver are found in great numbers. The Yellowstone valley above the mouth of the Powder river can all or nearly all be cultivated, as the soil is rich. The islands, many of which are very large, could be cultivated. There is abundance of coal and pine wood that could be taken out with profit. The water is fine. * * * * And in the valleys there grow large quantities of wild plums, cherries, gooseberries, buffalo berries, currants and wild strawberries.

" The following are the names of the places and distances on the Yellowstone:

NAMES.	REMARKS	*Local distance*	*Distance from mouth of Powder River.*	*Distance from mouth of Yellowstone.*
Mouth of Yellowstone.				
Powder River		235	0	235
Bear Rapids	Very swift current	5	5	240
Devil's Backbone	Left bank, opposite Gun Creek	7	12	247
Buffalo Rapids	As formidable as any in the river.	12	24	259
Sunday Creek	Left bank.	3	27	262
Reynold's Island	Right bank.	2	29	264
Tongue River	Right bank, good site for post	8	37	272
Scene of Custer's first fight, 1873	Left bank	11	48	283
Poncie Island	Right bank.	14	62	297
Little Porcupine River	Left bank	6	68	303
Emmet's Creek	Right bank, Meldrum's trading-post	3½	71½	306½
Big Porcupine	Right bank, good site for post	5½	77	312
Avenue Island		3	80	315
Bear Island	Of considerable size; bear seen on it	2	82	317
Palisades	A range of sandstone bluffs, left bank.	27	109	344
Alkali Creek	Right bank	31	140	275
Scene of Custer's second fight	Left bank; fought in 1873	22	162	397
Big Horn River	Volume of water about one-third of Yellowstone	2	164	399
Cape Horn	A very sharp bend of the river	10	174	409
The Narrows	About 75 or 80 yards wide	17	191	426
Pompey's Pillar	About 150 feet high, right bank	12	203	438
Little Grant Rapids	Very strong current	15	218	453
Pryor's Creek	Right bank	8	226	461
Belle Buttes	Right bank; Hell Gate Rapids here.	10	236	471
Highest point reached.		12	248	483

"The water of the Yellowstone is deeper than that of the Missouri, above the mouth of the Yellowstone, and could be navigated more months in the year than the Missouri can be. The distance from its mouth to the head of navigation is about one-half the distance from the mouth of the Yellowstone to Fort Benton, and the distance from Pompey's Pillar to the settled part of Montana is about the same distance as it is from Fort Benton, and, I believe, a good wagon-road all the way could be had, by following the Yellowstone up to Crow Agency, and then going across to the Gallatin valley."

The eleventh cause of challenge to a juror in criminal causes, should be amended so that, when the juror says he has formed or expressed an opinion as to the guilt or innocence of the accused, the court should be required to examine him, under oath, as to the ground of such opinion, and, if it has been founded upon reading newspaper statements, comments, or reports, or upon rumor or hearsay, and not upon conversation with witnesses of the transaction, or reading reports of their testimony, or hearing them testify, and the juror shall say, on his oath, that he feels able, notwithstanding such opinion, to render an impartial verdict upon the law and the evidence, and if the court be satisfied that the juror is impartial, and will render such a verdict, may admit such juror as competent to serve in such case. It will greatly reduce the expenses of jury trials, if you will reduce the number of peremptory challenges of jurors in both civil and criminal cases, and I believe no injustice will result to litigants.

Your attention is invited to the reports of the judges of the supreme court, for the years 1874 and 1875, accounting for the appropriation for the Territorial Law Library, which are submitted herewith. The reports convey no information as to the condition of the library, except that the books are scattered, and that the appropriation for 1875 has not been expended. It appears to me that you should not hesitate to provide by law for the organization of a territorial library, with rules and regulations for its government. A suitable building should be secured, and a librarian appointed to collect the books together, and have charge of the same under such rules as you may prescribe. It is not creditable to the territory to allow the library to remain uncared-for, and, unless you make provision for its preservation and increase, I recommend the repeal of the annual appropriation and the return of the amount of the last warrant to the territorial treasury.

I transmit, for your information, the reports of the president and treasurer of the Historical Society of Montana, showing the expenditure of the annual appropriation, for said society, for the years 1874 and 1875.

In compliance with the school law, I transmit to you the report of the superintendent of public instruction, and ask for it your careful consideration. The unanimity with which the public school system is sustained by our people, will justify you in so amending the school law as will add to its efficiency and success. The recommendations of the superintendent appear to be reasonable and just, and should have great influence in shaping the school legislation of the session. I respectfully request that you authorize the printing of the report for distribution in the territory, and exchange with the several states and territories, and that hereafter the report of the superintendent of public instruction be printed under the same law that other territorial printing is done. The following valuable statistics are taken from the report:

Whole number of children of school age	3,837
Number attending school during the year	2,373
Number of teachers employed during the year	90
Number of school-houses in the territory	76
Amount of school tax collected for the year	$31,011 01
Amount per capita for each child of school age	8 42
Average compensation paid teachers per month	61 45
Total amount appropriated for school purposes during the year	31,821 68
Average cost of tuition for each scholar per month	3 16

The law authorizing the appointment and prescribing the duties of notaries public should be amended so that applicants shall not be required to have their bonds and commissions recorded and filed. The bond of an applicant should be approved by the clerk of the county in which he resides, and filed in the Executive Department, together with his oath of office, before his commission issues. The present requirement that the commission must first issue before the bond is given is unreasonable, for it frequently happens that a commission is issued and no qualification ever follows. The date of the commission of every notary public should be the date of his qualification. It has been suggested as a matter of convenience for the deputy United States mineral surveyors, that the Governor should be authorized to appoint persons engaged in that profession notaries public, with power to take affidavits and acknowledgments in any county in the territory. I recommend that a reasonable fee be charged each applicant and paid into the territorial treasury before his commission issues.

Since the adjournment of the last legislature the question of voting aid to some corporation that will construct a railroad into Montana, has engaged the attention of the people, and has been discussed by the public press of the territory. So far as I am advised, no proposition has been made by any corporation to build a railroad into the territory, and hence it appears premature to discuss the question. If any propositions are to be submitted to you during your present session they should have been made known before you assembled, that you might have had an opportunity to consult your constituents before you were called upon to act on them. Legislation of such importance should not be considered hastily, but should receive calm and dispassionate consideration. We have many precedents for legislation granting subsidies to railroad corporations; but has time demonstrated the wisdom of such legislation? Are the people who have been affected by it so well satisfied with it as to justify you in embarking in such legislation? Precedents are the great lights which usually guide the legislator in all important legislation. If people who have experienced the effects of granting subsidies to railroad corporations now believe such legislation wrong in principle and oppressive to an unreasonable degree, you should hesitate long, and thoroughly consider the subject before you give your vote for any bill granting a subsidy. As pertinent to this subject I quote the following from the inaugural address of Governor Irwin, of California:

"To illustrate by the history of our own State, who will question the beneficial effects of that clause in our constitution which forbids the creation of a state debt of over three hundred thousand dollars? Or of that other section which forbids the credit of the state to be given or loaned to any individual, association, or corporation, or the state to become a stockholder in any association or corporation?

"Debt is the bane of modern states. It hangs like a millstone about the neck of all civilized peoples. It consigns the laboring classes to penury and want by consuming the products of their labor in taxes to pay its interest. The money kings have their mortgages not alone on the real and personal property under the government to which they have made loans, but on the brain and muscle of the people as well. This is the bondage of debt; it descends from father to son; from generation to generation.

"Now, while I will not question the right of one generation to appropriate—to squander, if you will—its surplus earnings as it shall choose, I beg to ask by what authority it assumes to encumber the inheritance of its successor—the land which God has given as the common heritage of all generations—with mortgages to the money kings? And still more do I desire to know where one generation obtains the right to hypothecate the brain and muscle—the energy, enterprise and labor—of generations yet unborn, that it may enjoy the luxury of spending money that it has not earned.

"Who will undertake to say what proportion of the net earnings of our capital and industry would now be required to pay the annual interest on the debt we would have by this time created, but for this prohibitory clause of our constitution?

"But to the thoughtful student there is something almost comic in the want of logic in the constitution which, while it forbids the legislature to create a debt of more than three hundred thousand dollars, allows it to create county and municipal debts measured only by the ability of the counties and municipalities to obtain credit; the counties and municipalities being but fractional parts of the state, organized solely for the convenience of local government. On this subject, however, we are not left to the voice of logic alone. Our own history speaks. While the present healthy condition of our state finances is the highest possible endorsement of the wisdom which placed a limit to the state debt which the legislature might create, the bankrupt condition of some of the counties, which were once wealthy and prosperous, and the embarrassed condition of many others, demonstrate beyond all controversy, that the constitution ought to have gone further, and placed a limit also to the indebtedness which counties and cities might create. In the absence, however, of any constitutional prohibition, the legislature should resolutely refuse all authority to counties and cities to create debt beyond a certain fixed, but small, percentage of their assessment rolls."

A reasonable percentage of our assessment roll is now covered by debt, and unless the legislation of the present session is directed toward the reduction of expenditures, the public debt must continue to increase, which will, in my judgment, make the granting of any subsidy impossible. I am not one of those who can see any great reason for despondency if a railroad is not immediately secured. The self-constituted prophets of three years ago predicted the dire calamity of depopulation and financial ruin if the territory did not at once vote aid to some corporation that would build a railroad to Montana. The predictions have signally failed; and the territory has steadily advanced in prosperity, notwithstanding the whole country has been suffering from the most depressing financial crisis that has occurred since the organization of the government. Failures of business houses have been of almost daily occurrence throughout the eastern and western states during the last two years, and yet, with all our isolation, and in the face of predicted bankruptcy and ruin, failures in Montana have been the exception. A few of these prophets are found in almost every community, and their mission on earth appears to be to complain of the present and predict evil of the future. They are unsafe counsellors and should never be permitted to influence legislation.

The interests of the people of Montana, so far as they can be affected by legislation, are now committed to you. An honest and fearless discharge of duty, influenced by no clique or local prejudice, will entitle you to the thanks of every good citizen in Montana. Accept my assurance that in all your endeavors to legislate for the best interests of the entire people within our borders, you may confidently rely upon my zealous co-operation.

BENJ. F. POTTS.

HELENA, MONTANA, January 3, 1876.

On motion of Mr. Word, the further reading of the message was dispensed with.

A message was received from the Council, through Hon. Mr. Tatem, stating that the Council had reconsidered the vote by which the Council had agreed to meet the House in joint convention.

On motion of Mr. Word, a committee of three (consisting of Word, Sanders, and Curtis, were appointed as said committee) to act with a like committee from the Council to report joint rules for the government of the two Houses.

On motion of Mr. Sanders, the reading of the Governor's message was proceeded with.

The Clerk then proceeded with the reading of the message.

Mr. Word moved to suspend the further reading of the message, upon which motion the ayes and nays were demanded.

Those voting in the affirmative were—Messrs. Burkett, Cave, Carmichael, Chessman, Clewell, Kenneally, Mead, Moore, of Deer Lodge, McKnight, Olds, Stuart, Woodlock, Word, Worden, and Mr. Speaker—15.

Those voting nay were—Messrs. Beal, Brooke, Curtis, Ford, Moore, of Gallatin, Reed, Rotwitt, Sanders, and Tierney—9.

Absent—Mr. Sweeney.

On motion of Mr. Sanders, the House adjourned to 2 o'clock P. M. on to-morrow.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

FOURTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 6, 1876.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. W. J. McCormick presented himself and was sworn in.

The following notices were given :

By Mr. Sanders : A bill for an act to define and punish certain offenses therein named.

By Mr. Curtis : A bill to amend Section 26 of an act in relation to roads and highways.

Mr. Worden moved to amend Rule 38, so that there shall be a Committee on Territorial Affairs; also a Committee on Roads and Highways, and that the Committee on Ways and Means, and the Judiciary, be five in number instead of three, which was carried.

Mr. Sanders moved that the Clerk proceed with the reading of the Governor's Message, which motion was lost.

Mr. Word, Chairman of the Select Committee, reported as follows, to-wit:

Mr. Speaker—Your Committee appointed to confer with a like committee on the part of the Council and prepare and report to both Houses joint rules for the government of the Council and House at this session, beg leave to report that the two committees have met and prepared the joint rules hereto annexed, and recommend their adoption.

Samuel Word, *Chairman*,
W. F. Sanders,
Otho Curtis.

On motion of Mr. Carmichael, the report was received and the committee discharged.

On motion of Mr. Sanders, Rule 38 was so amended as to read as follows:

RULE 38.

Standing Committees, consisting of three or five members each, at the option of the Speaker, shall be appointed on the following subjects:

1. On Ways and Means.
2. On the Judiciary.
3. On Territorial Affairs.
4. On Internal Improvements.
5. On Roads and Highways.
6. On Public Lands.

7. On Federal Relations.
8. On Education and Labor.
9. On Towns and Counties.
10. On Military Affairs.
11. On Incorporations.
12. On Agriculture and Manufactures.
13. On Elections.
14. On Indian Affairs.
15. On Mines and Minerals.
16. On Engrossment.
17. On Enrollment.
18. On Printing.

On motion of Mr. Sanders, Rule 8 of the joint rules was so amended as to strike out the words "and forthwith presented to the Governor for his signature, after receiving his approval."

On motion of Mr. Mead, the joint rules were adopted as amended.

C. B. No. 1, An Act relative to public printing, was read first and second times.

Mr. Sanders moved to refer to the Committee on Printing.

Mr. Curtis moved to amend Mr. Sanders's motion by referring to a Select Committee of three. Upon which motion the ayes and nays were called and resulted as follows, to-wit:

Ayes—Beal, Burkett, Brooke, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Reed, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—18.

Nays—Carmichael, Chessman, Clewell, McKnight, Olds, Rotwitt, Sanders, and Worden—8.

The motion was then adopted as amended, by the following vote:

Those voting aye were—Messrs. Beal, Brooke, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Reed, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—18.

Those voting nay were—Messrs. Carmichael, Chessman, Clewell, McKnight, Olds, Rotwitt, Sanders, and Worden—8.

And Messrs. Curtis, Sweeney, and Olds were appointed said Select Committee.

On motion of Mr. Sanders, the Clerk then proceeded with the reading of the Governor's Message.

Whereupon the call of the House was ordered. Roll called, Messrs. Curtis, McCormick, and Sanders absent.

Mr. Chessman moved to suspend a further call of the House,—which motion was lost.

The Sergeant-at-Arms reported the absentees in their seats.

On motion of Mr. Word, a further call of the House was dispensed with.

On motion of Mr. Word, the House took a recess to 2 o'clock P. M.

The House resumed. Mr. Speaker in the chair.

Roll called—members all present.

The following communication was received from the Council, through Mr. Comly, their Chief Clerk:

Mr. Speaker—I am directed by the Council to inform your honorable body, that notices of the introduction of bills have been given, as follows:

By Hornbuckle: Of "A Bill regulating the location and representation of water rights in the Territory of Montana."

By Hays: Of "A Bill to repeal an act entitled An Act concerning the management of live stock and the better to protect the interests of stock growers."

Mr. Cullen, previous notice having been given, introduced C. B. No. 3, "An Act to repeal certain provisions relative to security for costs in civil actions."

Respectfully,

HARVEY R. COMLY,
Chief Clerk.

The Speaker announced that he had appointed two additional Standing Committees, as follows:

Territorial Affairs—Sanders, McCormick, Moore, of Gallatin, Carmichael, and Ford.

Roads and Highways—Reed, Curtis, and Cave.

That he had added Messrs. Burkett and Chessman to the Committee on Ways and Means.

That he had added Messrs. McCormick and Stuart to the Committee on Judiciary.

That he had added Messrs. McCormick and McKnight to the Committee on Printing.

Notices were given as follows, to-wit:

By Mr. Word: A bill to be entitled "An Act to authorize the funding of the debt of Madison county."

By Mr. Moore, of Gallatin: A bill to be entitled "An Act for the better protection of the interest of stock growers."

On motion of Mr. Sanders, the House went into Committee of the Whole to consider the Governor's Message, Mr. Sanders in the chair.

The House resumed. Mr. Speaker in the chair.

Mr. Sanders, Chairman of the Committee of the Whole, was granted until to-morrow to report.

On motion of Mr. Sanders, the House adjourned.

SAM. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

FIFTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 7, 1876.

The House met pursuant to appointment, Mr. Speaker in the chair.

Roll called—all present.

Prayer by the chaplain.

Journal of yesterday read and approved.

On motion of Mr. Word, Mr. McFarland was admitted to a seat within the bar as a representative of the *New North West.*

Mr. Curtis, chairman of the Select Committee, to whom C. B. No. 1 was referred, reported the bill back to the House, and recommended its passage. Report received and Committee discharged.

Mr. Sanders, Chairman of the Committee of the whole, to whom was referred the Governor's message, reported as follows, to-wit:

Mr. Speaker: — Your Committee of the Whole House, to which was referred the message of the Governor, have had the same under consideration and have directed me to report the same back to the House with its recommendation that so much therof as pertains to the financial condition of the territory, the revenue, the indebtedness of the counties, settlements of county treasurers with county commissioners, and the Territorial Auditor, property exempt from taxation, increase of license on selling spirituous liquors, be referred to the Committee on Ways and Means.

So much thereof as relates to the consolidation of offices, to the Committee on Towns and Counties.

So much thereof as relates to the assumption by County Commissioners of legislative functions, to the taxation of intoxicating liquors brought into the territory, to the disregard by county officers of the various laws, requiring of them reports, the amendment of the law relating to the 11th clause of challenge to a juror, to the Territorial Law Library, and the extension of the jurisdiction of certain Notaries Public, to the Committee on the Judiciary.

So much thereof as relates to the care of the Insane, to the repeal of the law authorizing the printing at territorial expense, of the reports of the Auditor and Treasurer of the Territory.

So much thereof as pertains to the proposition to vote aid to some railroad, to the Committee on Territorial Affairs.

So much thereof as pertains to the enactment of a law prohibiting sporting, rioting, quarrelling, &c., and the performance of common labor on the last day of the week.

So much thereof, as pertains to the report of the Superintendent of Public Instruction.

So much thereof as relates to the education of deaf, mute and blind children, and so much thereof as pertains to the report of the President and Treasurer of the Historical Society of Montana, to the Committee on Education and Labor.

So much thereof as relates to the prohibition of the sale of intoxicating liquors on election days, and to a change in the date of our annual election, to the Committee on Elections.

So much thereof as pertains to the penitentiary and its transfer to the United States, to the improvement of the navigable rivers of the Territory, to the Committee on Federal Relations.

All of which is respectfully submitted.

W. F. SANDERS,
Chairman.

Report received and adopted.

Notices of the introduction of bills were given as follows:

By Mead: A bill to amend the apportionment law of Montana Territory.

By Rotwitt: A bill in regard to the taxation of Church property.

Also, a bill for the suppression of the sale or giving away intoxicating liquors on election day.

By McCormick: A bill to amend the General Election Law.

By Brooke: A bill for An Act amendatory of an act entitled An Act concerning the management of live stock and the better to protect the interests of stock growers in the Territory of Montana.

Mr. Curtis introduced H. B. No. 1: An Act to amend an act in relation to Roads and Highways, Approved Feb. 12th, 1874.

Read first and second times, and referred to the Committee on Roads and Highways.

On motion of Mr. Chessman the following resolution, introduced by Mr. Sanders, was adopted:

Resolved, That the Governor be requested, if he shall deem the same compatible with the public interest, to inform the House of Representatives what moneys have been paid from the Territorial Treasury, and what warrants, if any, have been drawn thereon, in payment of any printing done for the Territory since the adjournment of the 8th session of the Legislative Assembly. SANDERS.

Mr. McKnight introduced the following resolution:

Resolved, That a Committee of this House be appointed by the Speaker thereof, whose duty it shall be to wait upon the Secretary of the Territory and ascertain within what time after the adjournment of the Legislative Assembly he will probably have the laws published and ready for distribution.

McKNIGHT.

Mr. Wood moved to amend by striking out the word "probably."

Motion carried.

Resolution as amended adopted.

Messrs. McKnight, Beal and Tierny were appointed said Commitee.

Mr. McCormick offered the following resolution, which was, on motion of Mr. Word, adopted:

Resolved, That the Secretary of the Territory be requested to report to the House at as early a day as practicable what amount of moneys have been appropriated by Congress, and now available for the use of the Legislature, in printing bills, resolutions, memorials and committee lists.

McCORMICK.

On motion of Mr. Word, the Select Committee to whom was referred C. B. No. 1, was discharged.

The Select Committee on Printing, to whom was referred the rules of the House, and the joint rules of the two Houses, was discharged and the rules referred to the Standing Committee on Printing.

Mr. Sanders offered the following resolution:

Resolved, That Council Bill No. 1 be recommitted to the Committe on the Judiciary, with instructions to report:

1st. Whether the public printer under said bill is a Territorial officer.

2d. Whether the method of designating such public printer accords with the provisions of the Organic Act of this Territory.

3d. Whether the provisions for paying for printing for the Legislative Assembly is not in contravention of the law of the United States.

SANDERS.

Mr. Word moved to lay the resolution on the table, upon which motion the ayes and nays were called.

Those voting aye were—Messrs. Beal, Brooke, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Stuart, Sweeney, Tierney, Woodlock, and Word—16.

Those voting nay were—Messrs. Carmichael, Chessman, Clewell, McKnight, Olds, Reed, Rotwitt, Sanders, Worden, and Mr. Speaker—10.

And the resolution was lost.

Mr. Reed moved to amend section 10 of the bill as follows, to wit:

The contracting board created by the provisions of this act shall be required to contract all printing for the Territory, for any department of the territorial government, or for the supreme court, and all other printing that may be contracted for under this act at as low a price as possible to responsible parties, and the price paid therefor shall not exceed the following rates, which shall be the maximum price paid: For every square of matter (a square to be estimated by the space occupied by ten lines of solid nonpareil matter) two dollars; for every square of matter, rule and figure work, two dollars and fifty cents.

Upon which motion the ayes and nays were called, which resulted in—

Ayes—Messrs. Carmichael, Chessman, Clewell, McKnight, Olds, Reed, Rotwitt, Sanders, Tierney, Worden, and Mr. Speaker—11.

Nays—Messrs. Beal, Brooke, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Stuart, Sweeney, Woodlock, and Word—15.

And the amendment was lost.

The following communication was received from the Council, through Mr. Comly, their Chief Clerk:

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the Council has concurred in the amendment of the House to Rule 8, of the Joint Rules.

That the following notices of the introduction of bills have been given:

By Bass: An Act to amend section 3 of An Act providing for the collection of revenue of chapter 85, on pages 601 and 602 of the Codified Statutes, passed at the seventh session of the Legislative Assembly of the territory of Montana.

By Cullen: An Act to repeal chapter 80 of the Compiled Statutes of the territory of Montana.

Also, that Mr. Hays introduced C. B. No. 4, An Act to repeal an act concerning the management of live stock, approved February 13th, 1874.

Also, that Mr. Cardwell has introduced C. B. No. 5, An Act to amend section 14, chapter 21 of the Codified Statutes of Montana.

Respectfully,

HARVEY R. COMLY,
Chief Clerk.

Mr. Sanders moved to amend by striking out sections 11, 13 and 14.

Mr. Curtis moved to indefinitely postpone the amendment, upon which motion the ayes and nays were called.

Those voting aye were—Messrs. Beal, Brooke, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Stuart, Sweeney, Woodlock, Word, and Mr. Speaker—16.

Those voting nay were—Messrs. Carmichael, Chessman, Clewell, McKnight, Olds, Reed, Rotwitt, Sanders, Tierney, Worden—10.

And the amendment was indefinitely postponed.

C. B. No. 1, An Act relative to public printing, was read the third time.

On motion of Mr. Reed the House took a recess until 2:30 o'clock this P. M.

2:30 o'clock P. M.—The House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Mr. Curtis, Mr. Emerson, Sergeant-at-Arms, was granted leave of absence until Monday morning.

The following communication was received from the Governor, through his private secretary, Mr. Cummings:

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT,
HELENA, January 7, 1876.

To the Honorable, the Speaker of the House of Representatives:

SIR—In reply to the House resolution requesting that the Governor inform the House of Representatives what amount of moneys have been paid from the Territorial Treasury, and what warrants, if any, have been drawn thereon, in payment of any printing done for the Territory since the adjournment of the Eighth Session of the Legislative Assembly, I have the honor to state that warrants for the following amounts for printing done for the Territory have been issued since the adjournment of the Eighth Session of the Legislature:

MESSRS. FISK BROS.

March 6th, 1874, printing blanks for Auditor's and Treasurer's offices	$150 00
April 1st, 1874, printing done for Superintendent of Public Instruction and Penitentiary..	171 00
February 12th, 1875, for advertising for proposals for public printing	10 50
March 6th, 1875, for printing blanks for Auditor's and Treasurer's offices	270 00
March 6th, 1875, for advertising removal of Auditor's office	10 00
September 1st, 1875, for printing letter-heads for Treasurer's office	15 00
November 30th, 1875, for printing blank tax-receipts	12 50

J. H. MILLS.

February 13th, 1874, for printing report of directors of penitentiary	$218 00
February 12th, 1875, for advertisement for proposals for public printing	10 50
Total	$228 50

THOMAS DEYAMAN.

February 13th, 1874, for printing for Eighth Session	$885 70
February 13th, 1874, for advertisement for proposals for public printing	18 00
Total	$903 70

G. F. COPE.

February 13th, 1874, for printing for Eighth Session	$383 00
February 13th, 1874, for printing pamphlet of brands and marks	250 00
April 15th, 1874, for advertisement of sale of warrants	36 00
Total	$669 00

MONTANIAN PUBLISHING CO.

January 22d, 1875, for advertisement of proposals for public printing	$9 57
January 29th, 1875, for advertisement of Treasurer, calling warrants	8 55
January 30th, 1875, for printing Auditor's and Treasurer's reports	350 00
Total	$368 12

MESSRS. KERLEY, SMITH, & M'QUAD.

February 16th, 1874, for printing advertisement of proposals for public printing	$18 00

TOTALS.

Fisk Bros	$639 00
James H. Mills	228 50
Thomas Deyaman	903 70
Geo. F. Cope	669 00

Montanian Publishing Co	368 12
Kerley, Smith, & McQuad	18 00
Grand total	$2,826 32

The Territorial Treasurer informs me that all the Territorial warrants issued and registered before August 1st, 1874, have been paid, and those registered since that date are outstanding and unpaid.

Very respectfully,
B. F. POTTS, *Governor.*

Mr. Chessman moved to adjourn, upon which motion the ayes and nays were called, which resulted as follows:

Ayes—10.

Nays—16.

And the motion was lost.

Mr. Curtis moved that the main question be now put, upon which motion the yeas and nays were called, which resulted as follows:

Ayes—Messrs. Beal, Brooke, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—17.

Nays—Messrs. Carmichael, Chessman, Clewell, McKnight, Olds, Reed, Rotwitt, Sanders, and Mr. Worden—9.

And the motion was declared carried.

The bill was then put upon its final passage, and passed by the following vote:

Ayes—Messrs. Beal, Brooke, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—17.

Nays—Messrs. Carmichael, Chessman, Clewell, McKnight, Olds, Reed, Rotwitt, Sanders, and Worden—9.

Title agreed to.

Mr. Word moved to reconsider the vote, by which C. B. No. 1 passed.

Mr. Curtis moved to lay that motion on the table, which motion was carried by the following vote:

Those voting aye were—Messrs. Beal, Brooke, Burkett, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, Mead, McCormick, Stuart, Sweeney, Woodlock and Word.

Those voting nay were—Carmichael, Chessman, Clewell, McKnight, Olds, Reed, Rotwitt, Sanders, Tierney, Worden, and Mr. Speaker—11.

Mr. Cave was excused from voting.

On motion of Mr. McCormick, the House adjourned.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. Barret, *Chief Clerk.*

SIXTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 8, 1876.

The House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. McCormick reported as follows:

MR. SPEAKER—The Committee to whom was referred the printing of the Standing Committees, Rules and Order of Business of the House, beg leave to report the printing of the Standing Committees in card form, and now in the possession of each member of the House.

Report received.

Mr. Reed, Chairman of the Committee on Roads and Highways, reported as follows, to-wit:

MR. SPEAKER—Your Committee on Roads and Highways, to whom was referred House Bill No. 1, have had the same under consideration, and direct me to report the bill without amendment, and recommend its passage.

Report received.

Mr. McKnight reported as follows, to-wit:

MR. SPEAKER—Your Select Committee appointed to wait upon the Secretary of the Territory, beg leave to report that the Secretary informs them that he has made a contract with the Public Printer to publish and deliver the laws of the Ninth Legislative Assembly of Montana, at the Secretary's office on or before the first day of June, 1876. All of which is respectfully submitted.

McKnight, *Chairman.*

Report received.

Notices of the introduction of bills were given as follows:

By Mr. Reed: A bill in relation to water ditches.

By Mr. Sanders: An Act in relation to the admission of attorneys at law.

Also, An Act relative to costs in civil cases.

Also, An Act relating to limitations of action.

Also, An Act in relation to executors and administrators.

Also, An Act concerning affidavits.

Also, An Act concerning dower.

Also, An Act concerning claim and delivery of personal property.

Also, An Act in relation to records.

Also, An Act to reduce the public expenses in the item of printing.

Mr. Brooke then introduced H. B. No. 2, an act entitled "An Act to amend a bill for an act concerning the management of live stock and the better to protect the interest of stock growers in the Territory of Montana," approved February 13, 1874.

Read first and second times.

Mr. Sanders moved to amend line 7, section 1, by inserting the words "unless the owner thereof shall then appear and claim the same."

Mr. Moore, of Gallatin, moved to amend by striking out of section 5 the words "subject to the order of a majority of all persons attending and assisting in said round-up," where they occur, and inserting in lieu thereof the words "paid into the school fund of the county in which said round-up shall take place."

On motion of Mr Reed, the bill, with amendments, was referred to the Committee on Agriculture and Manufactures.

Previous notice having been given, Mr. Sanders introduced H. B. No. 3, a bill for an act concerning claim and delivery of personal property.

Read first and second times, and referred to the Committee on Judiciary.

Also, H. B. No. 4, a bill for an act relating to limitations of actions.

Read first and second times, and referred to the Committee on Judiciary.

Also, H. B. No. 5, a bill for an act relating to costs in civil actions.

Read first and second times, and referred to the Committee on Judiciary.

Also, H. B. No. 6, a bill for an act concerning affidavits.

Read first and second times, and referred to the Committee on Judiciary.

Also, H. B. No. 7, a bill for an act concerning dower.

Read first and second times, and referred to the Committee on Judiciary.

Also, H. B. No. 8, a bill for an act in relation to executors and administrators.

Read first and second times, and referred to the Committee on Judiciary.

Also, H. B. No. 9, a bill for an act in relation to records.

Read first and second times, and referred to the Committee on Judiciary.

Also, H. B. No. 10, a bill for an act relative to the admission of attorneys at law.

Read first and second times, and referred to the Committee on Judiciary.

The following communication was received from Mr. M. Ballard, Secretary of the Helena Library Association:

HELENA, MON., Jan. 8, 1876.

To the Honorable Speaker of the House of Representatives:

SIR—At the annual meeting of the Helena Library Association, held December 25, 1875, the following resolution was unanimously adopted:

"*Resolved*, That the members and officers of the Legislative Assembly and the Justices of the Supreme Court, while in session, are invited to avail themselves of the privileges of the Helena library freely."

The reading room of the Association is in the *Herald* buildings, Broadway, and is open from 2 to 4 o'clock, and from 7 to 9 o'clock P. M. each day, except Sundays, when it is open only from 1 to 2 o'clock P. M.

Unexpected absence from the city has prevented an earlier announcement of the invitation, which is herewith extended.

I have the honor to be,

Very respectfully,

MASSENA BALLARD,

Secretary H. L. A.

On motion of Mr. Sanders, H. B. No. 1, an act to amend An Act in relation to roads and higtways, was recommitted to the Committee on Roads and Highways.

The following communication was received from the Council:

MR. SPEAKER—I am instructed by the Council to inform your honorable body, that the President of the Council has appointed Messrs. Tatem and Lewis members of the Joint Committee on Enrollment on the part of the Council.

That the following notices of the introduction of bills have been given:

By Bass: A bill to amend section 13, chapter 21, page 435, of an act entitled "An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory," approved January 12, 1872.

By Tatem: An act entitled "An Act to amend an act entitled notaries public," page 527, and following, Codified Statutes.

Also, an act to prevent the slaughtering of diseased animals.

That Mr. Bass has introduced C. B. No. 6, "An Act to amend section 3 of an act providing for the collection of revenue," of chapter 85 on pages 601 and 602 of the Codified Statutes, passed at the seventh session of the Legislative Assembly of the Territory of Montana.

Respectfully,

HARVEY R. COMLY,

Chief Clerk.

Messrs. Burkett and Carmichael were appointed on the part of the House as Joint Committee on Enrollment.

Mr. Sweeney offered the following resolution, which was, on motion of Mr. McCormick, adopted:

Resolved, That the Secretary of the Territory of Montana be requested to inform the House, at his earliest convenience, what rooms, if any, have been secured for the use of the standing committees of the House.

On motion of Mr. Sanders, the House, in respect to the memory of Andrew Jackson, a man who assisted in rendering the American nation illustrious in peace and war, do now adjourn to 10 o'clock A. M. on Monday.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan 10, 1876.

The House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

The Speaker announced that he had added Messrs. Stewart and Olds to the Committee on Agriculture and Manufacturers.

Notices of the introduction of bills were given as follows:

By Chessman: An Act for the prevention of cruelty to animals.

Also, An Act to amend an act entitled An Act to incorporate the town of Helena.

By Sanders: An Act concerning schools.

By Burkett: An Act relating to Compulsory Education.

By Cave: An Act relating to County Finances.

Mr. McKnight offered the following resolution:

Resolved, That this House tender a vote of thanks to the Helena Library Association, for their courteous invitation to avail ourselves of the free use of their library and rooms.

McKnight.

On motion of Mr. Curtis, the resolution was adopted.

On motion of Mr. Sweeney, Mr. Southerlin, Editor of the *Rocky Mountain Husbandman,* was admitted to a seat within the bar of the House.

The Annual Report of the Auditor and Treasurer was received.

On motion of Mr. Curtis, the reading of the report was dispensed with, and referred to the Committee on Printing.

On motion of Mr. Mead, the following resolution was adopted:

Resolved, That the Secretary be informed of the condition of the stove-pipes and chimneys of the Legislative Hall, and that he be requested to put the same in proper condition for use, and that he be also requested to furnish at least ½ dozen chairs additional for the use of this House.

On motion of Mr. Carmichael, Messrs. Brown, of the *Monanian* and Kaiser, of the *Madisonian*, be admitted to seats within the bar of this House.

On motion of Mr. Carmichael, the following resolution was adopted:

Resolved, That the several Standing Committees to whom was referred the several parts of the Governor's Message (by action of the Committee of the Whole House) be requested to report on or before the 20th day of the session.

Previous notice having been given, Mr. Moore, of Gallatin, introduced H. B. No. 11, An Act to amend Section 87 of Chapter 6 of the Criminal Practice Act.

Read first and second times.

Mr. Sanders moved to amend rule 38 so that the eighth committee be a Committee on Grazing and Stock Growing, and that the subsequent committees be numbered accordingly.

Upon which motion the ayes and nays were called.

Those voting aye were—Messrs. Beal, Brooke, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, McCormick, McKnight, Olds, Rotwitt, Sanders, Stewart, Sweeney, Woodlock—18.

Those voting nay were—Messrs. Burkett, Cave, Moore, of Deer Lodge, Reed, Tierney, Word, Worden, and Mr. Speaker—8.

And the resolution was adopted.

The following communication was received from the Secretary:

SECRETARY'S OFFICE,
MONTANA TERRITORY, Jan. 10, 1876.

To the Honorable Speaker of the House of Representatives:

SIR—Under instructions from the Treasury Department, U. S., I am authorized to rent and furnish one Committee Room for each house. I have accordingly secured and properly furnished a room for the use of the several committees of the House of Rpresentatives. The room secured and furnished is the old probate court room on Main street.

I have the honor to be
Your obedient servant,
J. E. CALLAWAY,
Secretary Montana Territory.

H. B. No. 11 was then referred to the Committee on Grazing and Stock Growing.

On motion of Mr. Carmichael, the House took a recess to 2 o'clock P. M.

2 o'clock P. M.—The House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Speaker then announced the Committee on Grazing and Stock Growing, as follows, to-wit:

Messrs. Brooke, Ford, Moore, of Deer Lodge, Reed, and Rotwitt.

The following communication was received from the Council, through Mr. Comley, their Chief Clerk:

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the following notices of the introduction of bills were given:

By Allebaugh: A bill to amend section 286 of the Criminal Practice Act.

Also, a bill for taxing jury fees.

By Hays: A bill to prevent the sale of spirituous liquors on the Sabbath and election days.

That Mr. Bass introduced C. B. No. 7, An Act to amend Section 13, Chapter 21 of General and Miscellaneous laws, approved January 12, 1872.

That the following resolution has been adopted by the Council:

Resolved, By the Council, the House concurring, that a committee of two, to act in conjunction with a like committee from the House, be appointed to examine and audit the accounts of the Territorial Auditor and Treasurer, for the years A. D. 1874 and A. D. 1875.

That the President has appointed Messrs. Tatem and Lewis such committee on the part of the Council.

That Hays introduced C. J. M. No. 1, entitled, Memorial to the President of the United States.

That Council J. R. No. 1, relating to newspapers, has passed the Council, and is herewith transmitted.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Notices of the introduction of bills were given as follows:

By Mr. Curtis: An Act in relation to assessors.

By Mr. Worden: An Act to provide for the regulation of the funded debt of Missoula county, and provide for the payment of the interest of the bonds of said county.

By Mr. Moore, of Deer Lodge: An Act in relation to public morals.

On motion of Mr. Worden, the House concurred in Council resolution to appoint a joint committee to audit the Auditor's and Treasurer's accounts.

Messrs. Worden and Tierney were appointed said committee.

C. J. R. No. 1, in relation to newspapers, was read first time.

Mr. Sanders moved to indefinitely postpone the resolution.

Motion lost by the following vote:

Ayes—11.

Nays—15.

The resolution was then read the second time.

Mr. McCormick moved to indefinitely postpone the resolution, which motion was carried by the following vote:

Ayes—Beal, Brooke, Carmichael, Chessman, Clewell, Ford, Kenneally, Moore, of Gallatin, McCormick, McKnight, Sanders, Sweeney, Worden, and Mr. Speaker—14.

Nays—Messrs. Burkett, Cave, Curtis, Mead, Moore, of Deer Lodge, Olds, Reed, Rotwitt, Stuart, Tierney, Woodlock, and Word—12.

Mr. Sanders moved to reconsider the vote by which the resolution was indefinitely postponed.

Mr. McCormick moved to lay that motion on the table, which motion was carried by the following vote, to-wit:

Ayes—Brooke, Carmichael, Chessman, Clewell, Ford, Kenneally, Moore, of Gallatin, McCormick, McKnight, Reed, Sanders, Tierney, Worden, and Mr. Speaker—14.

Nays—Beal, Burkett, Cave, Curtis, Mead, Moore, of Deer Lodge, Olds, Rotwitt, Stuart, Sweeney, Woodlock, and Word —12.

The Committee on Agriculture and Manufactures were ordered to report H. B. No. 2 back to the House, and that the bill be referred to the Committee on Grazing and Stock Growing.

Mr. Sanders moved to adjourn.

Motion lost.

On motion of Mr. Sanders, the Sergeant-at-Arms was instructed to procure from the Secretary of the Territory a desk for the use of the Enrolling Clerk.

On motion of Mr. Sanders, the House adjourned.

SAM. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

NINTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 11, 1876.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. McCormick, chairman of the Committe on Printing, reported the rules correctly printed in pamphlet form, and in possession of the members.

Mr. Sweeney reported H. B. No. 2 back to the House and recommended it be referred to the Committee on Grazing and Stock Growing.

Previous notice having been given, Mr. Sanders introduced H. B. No. 12, A bill for an act to reduce public expenses in the item of printing.

Read first and second times and referred to the Committee on Printing.

Mr. Burkett introduced H. B. No. 13, A bill for an act relating to compulsory education.

Read first and second times and referred to the Committee on Education and Labor.

By Mr. Worden: An Act to provide for the redemption of the funded debt of Missoula county, and to provide for the payment of the interest on the bonds of said county.

Read first and second times, and referred to a select committee composed of the members of Missoula county.

On motion of Mr. McCormick, a special committee of three, consisting of Messrs. Sweeney, Carmichael, and McCormick, were appointed on mileage.

Mr. Curtis in the chair.

On motion the House took a recess to 2 o'clock P. M.

2 o'clock P. M.—The House resumed. Mr. Speaker in the chair.

Roll called—members all present.

Mr. Beal, chairman of the Committee on Education and Labor, reported as follows, to-wit:

MR. SPEAKER—Your committee on Education and Labor, to whom was referred House Bill No. 13, An Act relating to compulsory education, would most respectfully report the same back to the House, and recommend that it be referred to the printing committee with instructions to have it printed.

G. W. BEAL, *Chairman.*

On motion of Mr. Chessman, the report was adopted.

Mr. Moore, of Deer Lodge, introduced H. B. No. 15, An Act in relation to crimes and their punishment.

Read first and second times, and referred to Committee on Judiciary.

The following communication was received from the Council, through Mr. Comly, their Chief Clerk.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the following notices have been given:

By Cullen: A bill for an act entitled, An Act concerning printing.

By Hornbuckle: A bill for the exemption from taxation of woolen factories for a term of years in the territory of Montana.

That the Committee of Internal Improvements have reported C. J. M. No. 2, in relation to the improvement of the navigable waters of Montana.

That Hays introduced C. B. No. 8, entitled An Act to prohibit the traffic in intoxicating liquors on Sundays and general election days.

That Allebaugh introduced C. B. No. 9, A bill to amend section 286 of the criminal practice act.

Also, C. B. No. 10, A bill for taxing jury fees.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Notices were given as follows, to-wit:

By Mr. Mead:

MR. SPEAKER—I give notice that I will on Monday next, or on some subsequent day, introduce a joint resolution for the purpose of furnishing each member of the Legislative Assembly with one copy each of the *Daily Independent* and *Daily Herald.*

By Mr. Sanders:

MR. SPEAKER—I give notice that on to-morrow, or some subsequent day, I shall introduce House Joint Memorial, No. —, being a memorial asking for the restoration to the public domain of all lands heretofore granted to the Northern Pacific railroad company, and the substitution in lieu thereof of bonds of the United States as a subsidy or grant to said company.

By Mr. Clewell:

MR. SPEAKER—I give notice that on to-morrow, or some subsequent day, I will introduce a bill for an act changing the time for the general election in the territory of Montana.

Mr. McKnight moved that the House do now adjourn, upon which motion the ayes and nays were called.

Those voting aye were—Messrs. Beal, Brooke, Burkett, Cave, Chessman, Clewell, Ford, Kenneally, Mead, Moore, of Gallatin, McCormick, McKnight, Olds, Rotwitt, Sanders, Tierney, Woodlock, Worden—18.

Those voting nay were—Carmichael, Curtis, Moore, of Deer Lodge, Reed, Stuart, Sweeney, Word, and Mr. Speaker—8.

SAM. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

TENTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 12, 1876.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal read and approved.

Mr. Worden reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred House Bill No. 14, report that they have had the same under consideration and beg leave to report it back with the recommendation that it do pass.

MCCORMICK,
CAVE,
WORDEN.

Report received.

Notice of the introduction of bills were given as follows, to-wit:

By Mr. Carmichael: An Act prescribing fees of the District Clerk.

By Mr. Reed: An Act to amend an act entitled An Act authorizing County Commissioners of the several counties to dispose of the surplus moneys in the different county funds.

Mr. Sweeney reported as follows from the Committee on Milage:

Mr. Speaker—Your Committee on Milleage beg leave to report that they find the persons hereafter named entitled to the following milage:

G. W. Beal	180	miles.
E. G. Brooke	120	"
J. C. Burkett	180	"
A. Cave	300	"
Carmichael	170	"
Chessman	—	"
Clewell	8	"
Otho Curtis	104	"
Ford	168	"
Kenneally	250	"
Mead	330	"
Moore, of Gallatin	208	"
Moore, of Deer Lodge	56	"
McCormick	300	"
McKnight	160	"
Olds	320	"
Reed	246	"
Rotwitt	36	"
Sanders	0	"
Stuart	90	"
Sweeney	0	"
Tierney	92	"

Woodlock	200 miles.
Word	250 "
Worden	300 "
Langhorne	220 "

SWEENEY,
CARMICHAEL,
MCCORMICK,

Report received.

Previous notice having been given, Mr. Curtis introduced H. B. No. 16, An Act relating to counties and county officers.

Read first and second times, and referred to the Committee on Towns and Counties.

H. B. No. 14 ordered engrossed for a third reading.

Mr. Word in the chair.

On motion, the House took a recess until 2 o'clock P. M.

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2 o'clock P. M.—The House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Notices of the introduction of bills were given as follows:

By Mr. Stuart: A bill entitled An Act to protect game and fish in the Territory of Montana.

By Mr. Clewell: A bill for An Act to repeal an act entitled An Act defining the duties of Territorial Auditor, approved February 13, 1874.

The following communication was received from the Council:

COUNCIL CHAMBER,
January 12, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body, that C. B. No. 7, An Act to amend section 13, chapter 21 of general and miscellaneous laws, approved January 12, 1872, has passed the Council, and is herewith transmitted to the House.

That notices of the introduction of bills have been given as follows:

By Graham: A bill to compel owners of toll roads and bridges to keep the same in good repair.

By Bass: A bill in relation to the management of insane persons in Montana Territory.

By Hornbuckle: A bill to abolish private seals.

That Mr. Watson introduced C. B. No. 11, An Act to prohibit executors, administrators and judges of probate courts from purchasing chattels in certain cases.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

C. B. No. 7, An Act to amend section 13, chapter 21 of general and miscellaneous laws, approved January 12, 1872, was taken up and read first and second times.

Mr. McCormick moved to amend by striking out the word "six" in section 2, and insert the word "ten."

Mr. Mead moved to indefinitely postpone the bill, with the amendment, upon which the ayes and nays were called.

Those voting in the affirmative were — Messrs. Brooke, Burkett, Carmichael, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Deer Lodge, Olds, Stuart, Tierney, Word—13.

Those voting in the negative were — Messrs. Beal, Cave, Chessman, Moore, of Gallatin, McCormick, McKnight, Reed, Rotwitt, Sanders, Sweeney, Woodlock, Worden, and Mr. Speaker—13.

And the motion was lost.

Mr. Worden moved that the bill, with amendments, be referred to the Committee on Territorial Affairs.

Mr. Word moved to amend by referring to the Committee on Towns and Counties.

Mr. McCormick moved to lay the motion and amendments thereto on the table, which motion was adopted.

Mr. Word moved to lay Mr. McCormick's amendment on the table, upon which motion the ayes and nays were called.

Ayes — Brooke, Burkett, Carmichael, Curtis, Kenneally, Mead, Olds, and Tierney—8.

Nays—Messrs. Beal, Cave, Chessman, Clewell, Ford, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Reed, Rotwitt, Sanders, Stuart, Sweeney, Woodlock, Word, Worden, and Mr. Speaker.

And the motion was lost.

Mr. Word moved to refer the bill to a select committe of three.

Motion lost.

Mr. Sanders moved that the main question now be put, which motion prevailed.

Mr. McCormick's amendment was then lost by the following vote:

Ayes—Beal, Burkett, Curtis, Kenneally, Mead, McCormick, Olds, Stuart, Tierney, Woodlock, Word—11.

Nays—Brooke, Cave, Carmichael, Chessman, Clewell, Ford, Moore, of Gallatin, Moore, of Deere Lodge, McKnight, Reed, Rotwitt, Sanders, Sweeney, Worden, and Mr. Speaker—15.

Mr. Word moved that the bill be referred to the Committee on Towns and Counties, which motion was lost.

The Chaplain was granted one day's leave of absence.

On motion of Mr. McCormick, the House resolved itself into Committee of the Whole to consider C. B. No. 7, Mr. McCormick in the chair.

The House resumed, Mr. Speaker in the chair.

The following message was received from the Council, to-wit:

COUNCIL CHAMBER,
January 12, 1876.

MR. SPEAKER—I am directed by the Council to inform the House that C. B. No. 1 has been returned by the Governor without his approval, and upon re-consideration by the Council the bill was lost.

That Mr. Cullen has introduced C. B. No. 12, an act concerning printing.

That C. J. M. No. 1, to the President of the United States, and C. J. M. No. 2 in relation to the improvement of the navigable waters of Montana, have passed the Council, and are herewith transmitted.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

On motion of Mr. Word, the House adjourned.

SAM. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

ELEVENTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 13, 1876.

The House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called—members all present.

Journal of yesterday read and approved.

Mr. Curtis reported H. B. No. 14 correctly engrossed.

Mr. Word, chairman of the Committee on Judiciary, reported as follows:

MR. SPEAKER—Your Committee on Judiciary, to whom was referred H. B. No. 15, being an act in relation to crimes and punishments, beg leave to report the same back with the accompanying substitute therefor, and recommend that the substitute be adopted.

WORD, *Chairman.*

Report received.

Mr. Moore, of Deer Lodge, gave notice as follows:

A Bill relative to taxation of road districts for road purposes in unorganized districts, and the distribution thereof.

Previous notice having been given, Mr. Reed introduced H. B. No. 17, An Act to amend an act entitled An Act authorizing the county commissioners of the several counties to dispose of the surplus moneys in the different county funds.

Read first and second times, and referred to the Committee on Ways and Means.

C. J. M. No. 1, to the President of the United States, was taken up, read first and second times, and referred to the Committee on Federal Relations.

C. J. M. No. 2, in relation to improvement of the navigable waters of the Territory of Montana, was read the first and second times, and on motion of Mr. Sanders, was amended so as to fill the blank with $500,000.

The memorial was then referred to the Committee on Federal Relations.

On motion of Mr. Chessman, the substitute to H. B. No. 15 was adopted.

Read first and second times, and ordered printed.

H. B. No. 14, An Act to provide for the redemption of the funded debt of Missoula county, and to provide for the payment of the interest on the bonds of said county, read third time, and passed by the following vote:

Ayes—Messrs. Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—26.

Nays—None.

Title agreed to.

Mr. McCormick, chairman of the Committee on Printing, reported H. B. No. 13 correctly printed.

H. B. No. 13 was referred to the Committee on Education and Labor.

On motion of Mr. McCormick, the House resolved itself into Committee of the Whole, to consider C. B. No. 7, Mr. McCormick in the chair.

The House resumed. Mr. Speaker in the chair.

Mr. McCormick, chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER—The Committee of the Whole, to whom was referred Council Bill No. 7, beg leave to report the same back to the House with the recommendation that the bill, with amendments and pending amendments, be referred to the Committee on Towns and Counties.

McCORMICK, *Chairman.*

Mr. Word moved that the report be adopted, upon which motion the ayes and nays were called.

Those voting aye were—Messrs. Beal, Brooke, Burkett, Carmichael, Ford, Kenneally, Mead, Moore, of Deer Lodge, McCormick, Olds, Reed, Stuart, Tierney, Woodlock, and Word—15.

Those voting nay were—Messrs. Cave, Chessman, Clewell, Moore, of Gallatin, McKnight, Rotwitt, Sanders, Sweeney, Worden, and Mr. Speaker—10.

And the motion was adopted, and the bill referred to the Committee on Towns and Counties, with instructions to report on to-morrow, at 10 o'clock A. M.

On motion of Mr. Carmichael the House took a recess until 2 o'clock P. M.

2 o'clock P. M.—The House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Beal, chairman of the Committee on Education and Labor, reported H. B. No. 13 back to the House with the recommendation that it do pass.

The following communication was received from the Council:

COUNCIL CHAMBER,
Jan. 13, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body that the following notices of the introduction of bills have been given:

By Watson: An Act to provide for the funding of the outstanding indebtedness of Montana Territory, and the redemption of the twelve per cent bonds.

By Tatem: An Act concerning the management of diseased animals.

By Hornbuckle: A Bill requiring witnesses' and jurors' fees to be paid into the county treasury.

By Watson: An Act to authorize the Governor of the Territory to contract for the hire of the labor of Territorial convicts.

That Mr. Hornbuckle introduced C. B. No. 13, An Act to abolish private seals.

That Mr. Graham introduced C. B. No. 14, An Act to compel owners of toll roads and bridges to keep the same in repair.

That Mr. Cullen introduced C. B. No. 15, An Act to repeal chapter 80 of the compiled statutes.

That C. B. No. 4, An Act to repeal an act concerning the management of live stock, approved February 13, 1874, has passed the Council, and is herewith transmitted to the House.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Mr. Clewell introduced H. B. No. 18, A Bill for an act to repeal an act entitled, an act defining the duties of Territorial Auditor, approved February 13, 1874.

Read first and second times, and referred to the Committee on Territorial Affairs.

Mr. Cave introduced H. B. No. 19, An Act to provide for the payment of the indebtedness of Missoula county.

Read first and second times, and referred to a select committee, composed of the members from Missoula county.

C. B. No. 4, An Act to repeal an act concerning the management of live stock, approved February 13, 1874, read first and second times, and referred to the Committee on Grazing and Stock Growing.

H. B. No. 13, An Act relating to compulsory education, was taken up.

On motion of Mr. Burkett, section 7 of said bill was stricken out.

On motion of Mr. McCormick, the word "who" was inserted between the words "and" and "shall" in line 1, section 4.

On motion of Mr. Sanders, the word "whom," in line 4, section 5, was stricken out, and the word "which" inserted in lieu thereof; also insert the words "the same" between the words "certify" and "to" in same line, and the word "of" between the words "Treasurer" and "the" in section 5, line 4.

On motion of Mr. Sanders, the vote by which the words "the same" and "of" were inserted in line 4, section 5, was reconsidered.

Mr. Sanders then withdrew the amendments.

On motion of Mr. Burkett, section 8 was made section 7.

On motion of Mr. Carmichael, the bill was adopted as amended, and ordered engrossed for a third reading.

On motion of Mr. Sanders, the House adjourned.

SAM. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. Barret, *Chief Clerk.*

TWELFTH DAY.

House of Representatives,
Helena, M. T., Jan. 14, 1876.

The House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Clewell presented a petition from the citizens of Jefferson County, which was read and referred to a committee composed of the members from Jeffersen and Gallatin Counties.

Mr. Stewart, from the committee to whom C. B. No. 7 was referred, reported the same back to the House, with a substitute, recommending its passage.

Report received.

Notices of the introduction of bills were given:

By Stewart: An Act to amend Chapter 17 of the Codified Statutes of Montana Territory.

By Clewell: A Bill for an act relating to costs in divorce cases.

Mr. Carmichael introduced H. B. No. 20, An Act to regulate and establish the fees of District Clerk.

Read first and second times, and referred to the Judiciary Committee.

Mr. Curtis reported H. B. No. 13 correctly engrossed.

Mr. Moore, of Deer Lodge, introduced H. B. No. 21, An Act relative to taxation of road districts for road purposes in unorganized districts, and the disposition thereof.

Read first and second times, and referred to Committee on Roads and Highways.

H. B. No. 13, An Act relative to compulsory education, was read third time, and passed by the following vote:

Ayes—Beal, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, McCormick, Olds, Reed, Rotwitt, Sanders, Stuart, Worden, and Mr. Speaker—16.

Nays—Brooke, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Sweeney, Tierney, Woodlock, and Word—10.

The title was agreed to.

C. B. No. 7 was taken up, and Mr. Sanders moved to reject the substitute, which motion was lost, by ayes 12, nays 14.

Mr. Curtis moved to adopt the substitute, which motion was adopted by the following vote:

Ayes—Messrs. Beal, Brooke, Burkett, Carmichael, Curtis, Ford, Kenneally, Mead, Moore, of Deer Lodge, Olds, Stewart, Tierney, Woodlock, Word—14.

Nays—Messrs. Cave, Chessman, Clewell, Moore, of Gallatin, McCormick, McKnight, Reed, Rotwitt, Sanders, Sweeney, Worden, and Mr. Speaker—12.

The substitute was then read first and second times.

Mr. Sanders moved to amend, by striking out the word "ten," where it occurs in Section 1, and insert six in lieu thereof.

Mr. Word moved to amend the amendment, by striking out the word "six," and insert the word "seven," and insert the words "payable out of the contingent fund." Mr. Sanders called for a division of the question; the vote was then taken on the amendment to strike out the word "six," and insert the word "seven."

Upon which motion the ayes and nays were called.

Ayes—Burkett, Carmichael, Curtis, Ford, Kenneally, Stuart, Tierney, Woodlock, Word—9.

Nays—Beal, Brooke, Cave, Chessman, Clewell, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Mc-

Knight, Olds, Reed, Rotwitt, Sanders, Sweeney, Worden, and Mr. Speaker—17.

And the motion was lost.

Mr. Ford moved to indefinitely postpone the bill and substitute, which motion carried by ayes 14, nays 12.

Mr. McCormick moved to re-consider the vote by which the bill was indefinitely postponed.

Mr. Word moved to lay that motion on the table, which motion was lost by ayes 12, nays 14.

Mr. McCormick's motion to re-consider was then put, and carried by the following vote: Ayes 15, nays 11.

Mr. Sanders then withdrew his amendment.

Mr. McCormick moved to amend as follows:

Strike out all of Section 1, after the words county seat, in line nine, and insert the following: "And five dollars per day, out of the contingent fund of the several counties, for each day while in actual session, and no other compensation shall be allowed."

Mr. Word moved to amend the amendment by striking out the word "five," and inserting "six dollars and fifty cents."

Which motion was adopted by the following vote: Ayes 18, nays 8.

On motion of Mr. Moore, of Deer Lodge, the amendment to the amendment was amended by striking out the words "and fifty cents," by the following vote:

Ayes—Messrs. Cave, Carmichael, Chessman, Clewell, Ford, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Reed, Rotwitt, Sanders, Sweeney, Tierney, Woodlock, Worden, and Mr. Speaker—16.

Nays—Beal, Brooke, Burkett, Curtis, Kennealley, Mead, Olds, Stuart, and Word—9.

The main question was then put, and the amendment, as amended, was adopted.

And the substitute was then adopted as amended, and ordered engrossed for third reading.

On motion, the House took a recess until 2 o'clock P. M.

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2 o'clock P. M.—The House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Notices of the introduction of bills were given as follows:

By Stewart: A bill for an act to amend Section 656 of the Civil Practice Act, concerning the jurisdiction of justices of the peace

By Sanders: An Act to facilitate the construction of the Northern Pacific railroad by a subsidy thereto.

Mr. Burkett moved that the vote by which H. B. No. 13, An Act relating to compulsory education, was passed, be reconsidered, upon which the ayes and nays were demanded.

Mr. Word moved a call of the House.

Roll called—Mr. Brooke absent.

The Sergeant-at-Arms was instructed to bring Mr. Brooke into the House.

On motion of Mr. Sweeney, a further call of the House was dispensed with.

The House then proceeded to vote on the motion to reconsider the vote by which H. B. No. 13 was passed:

Ayes—Beal, Burkett, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—17.

Nays—Carmichael, Chessman, Clewell, Olds, Reed, Rotwitt, Sanders, and Worden—8.

And the motion prevailed.

The following communication was received from the Council, through Mr. Comly, their Chief Clerk:

COUNCIL CHAMBER,
Jan. 13, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body that the following notices of the introduction of bills have been given:

By Hornbuckle: A Bill providing for the foreclosure of chattel mortgages.

Also, A Bill to amend sections 3, 4, 5, 14, 20, 21, 22, and 23 of an act to provide for collection of revenue, approved January 12, 1872.

That Mr. Watson, by consent, introduced C. B. No. 16, An Act to provide for the funding of the outstanding indebtedness of Montana Territory, and the redemption of the twelve per cent bonds.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Also, the following:

COUNCIL CHAMBER,
January 14, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body, that Mr. Tatem gave notice that he would introduce a bill entitled, An Act to prevent the purchase or sale of votes.

That the following bills were introduced:

By Hornbuckle: C. B. No. 17, An Act to amend sections 3, 4, 5, 14, 20, 21, and 31 of an act providing for the collection of revenue, approved January 12, 1872.

By Hays: C. B. No. 18, An Act to prohibit the traffic in intoxicating liquors on Sundays and general election days.

By Hornbuckle: C. B. No. 19, An Act requiring witnesses' and jurors' fees to be paid into the county treasury.

By Bass: C. B. No. 20, An Act in relation to the management of insane persons in Montana Territory.

By Hornbuckle: C. B. No. 21, An Act providing for the foreclosure of chattel mortgages.

That C. B. No. 5, An Act to amend section 14, chapter 21 of the codified statutes of Montana, has passed the Council.

That C. B. No. 11, An Act to prohibit executors, administrators, and judges of probate courts from purchasing chattels in certain cases, has passed the Council with its title amended.

Respectfully,

HARVEY R. COMLY,
Chief Clerk.

Mr. Curtis, chairman of the Committee on Engrossment, reported substitute for C. B. No. 7 correctly engrossed.

The Clerk was instructed to request of the Council the return to the House of House Bill No. 13.

The following report was offered:

MR. SPEAKER—Your Committee on Stock-raising and Grazing, to whom was referred C. B. No. 4, entitled, An Act to repeal an act concerning the management of live stock, and the better to protect the interests of stock growers in the Territory of Montana, have considered the same, and respectfully report the same back to the House with the recommendation that it do pass.

R. S. FORD,
B. REED,
JOHN C. MOORE,
L. ROTWITT,
E. G. BROOKE.

Report received.

Mr. Brooke, of the above named committee, was granted until to-morrow morning, 10 o'clock, to make a minority report.

Mr. Sanders, from the Committee on Territorial Affairs, reported as follows, to-wit:

MR. SPEAKER—Your Committee on Territorial Affairs have instructed me to report back to the House H. B. No. 18, with recommendation that it do pass.

W. F. SANDERS, *Chairman.*

Report received.

C. B. No. 5, An Act to amend section 14, chapter 21, of the codified statutes of Montana, relating to county and county officers, read first and second times, and referred to the Committee on Towns and Counties.

Mr. Word in the chair.

C. B. No. 11, An Act to prohibit executors, administrators, and judges of probate courts, from purchasing chattels in certain cases, read first and second times, and referred to the Judiciary Committee.

H. B. No. 18, A Bill for an act to repeal an act defining the duties of Territorial Auditor, was taken up, and on motion of Mr. McCormick, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden—25.

Nays—None.

Absent—Mr. Speaker.

The title was agreed to.

The substitute for C. B. No. 7 was taken up, read third time, and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Ford, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Reed, Rotwitt, Sanders, Stuart, Sweeney, and Tierney—18.

Nays—Curtis, Kenneally, Mead, Olds, Woodlock, Word, and Worden—7.

On motion of Mr. Sanders, the title of the bill was amended so as to read, A Bill for an act relating to compensation of county commissioners.

H. B. No. 13, An Act relating to compulsory education, was recommitted to the Committee on Education and Labor.

On motion of Mr. Curtis, the House adjourned.

SAM. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

THIRTEENTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 15, 1876.

The House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. McCormick, Chairman of the Committee on Printing, reported H. B. 15 correctly printed.

Mr. Brooke, from the Committee on Grazing and Stock Growing, to whom was referred H. B. No. 2, an act concerning the management of live stock, reported the same back to the House, with the recommendation that it do not pass.

Report received.

Also, An Act to amend section 87 of the criminal practice act, approved January 12, 1872, with the recommendation that it do not pass.

Report received.

The following message from the Council was received:

COUNCIL CHAMBER,
January 14, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body, that the following notices of introduction of bills have been given:

By Mr. Cullen: An Act for the relief of John Quirk.

By Hays: An Act to amend sections 3 and 4 of an act of the Legislative Assembly of this Territory, entitled "An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872."

That Mr. Watson introduced C. B. No. 22, An Act to authorize the Governor of the Territory to contract for the hire of the labor of Territorial convicts.

That Mr. Tatem introduced C. J. R. No. 2, in relation to committee clerks.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Notices of the introduction of bills were given as follows:

By Mr. Rotwitt: A Bill for an act to amend an act entitled "An Act to provide for a system of common schools."

By Mr. Chessman: A Bill for an act to regulate the fees of Sheriff.

By Mr. Stuart: An Act to amend section 630 of the Civil Practice Act, concerning proceedings in probate courts.

By Mr. Reed: A Bill in relation to aiding the construction of the Cheyenne and Montana railroad by subsidy.

By Mr. Clewell: An Act regulating the fees of County Clerks and Recorders.

By Mr. McCormick: A Bill to grant a Territorial subsidy to the Utah Northern railroad company, to enable said company to extend their road to the city of Helena.

Previous notice having been given, Mr. Stuart introduced H. B. No. 22, An Act to amend chapter 17 of the Codified Statutes of the Territory of Montana.

Read first and second times, and referred to the Committee on Judiciary.

Also, H. B. No. 23, a bill for an act to protect game and fish in the Territory of Montana.

Read first and second times, and referred to the Committee on Judiciary.

Also, H. B. No. 24, a bill for an act to amend section 56 of the Civil Practice Act.

Read first and second times, and referred to the Committee on Judiciary.

Mr. Mead introduced H. B. No. 25, A Bill for an act apportioning the members of the Legislative Assembly of Montana Territory, and prescribing the time of their election.

Read first and second times.

Mr. Sanders offered the following amendment:

Strike out "1878" where it occurs, and insert "1877" in lieu thereof.

On motion of Mr. Curtis, the bill, with amendments, was referred to the Committee on Elections.

On motion of Mr. Stuart, the following resolution was adopted:

Resolved, That the consideration of all bills and resolutions relating to railroad matters, or the granting of any Territorial subsidy or aid for building a railroad, introduced before the first day of February next, be postponed to, and made the special order for, that day.

H. B. No. 15 was taken up and ordered engrossed for a third reading.

On motion of Mr. Word, H. B. No. 2 was laid on the table.

On motion of Mr. Word, H. B. No. 11 was laid on the table.

C. B. No. 4, An Act to repeal an act concerning the management of live stock, approved February 13, 1874, was read the third time and passed.

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—25.

Nay—Mr. Alex. Carmichael—1.

Mr. Sanders moved to amend the title, as follows: A Bill for an act to repeal the round-up law.

Motion lost.

The title was then agreed to.

Mr. Tierney moved to adjourn until Monday at 10 o'clock A. M.

Motion lost.

Mr. McCormick moved to suspend the rules and increase the Standing Committee on Printing to six members.

Mr. Sanders moved to lay Mr. McCormick's motion on the table, which motion prevailed by ayes, 19; nays, 7.

Mr. Tierney moved to adjourn until Monday, at 10 o'clock A. M.

Mr. Word moved to amend by adjourning to 2½ o'clock this P. M., which motion was lost.

Mr. Tierney's motion was then adopted, and the House was adjourned to 10 o'clock A. M. on Monday, January 17, 1876.

SAM. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan 17, 1876.

The House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Messrs. McKnight and Reed absent.

Prayer by the Chaplain.

Journal of Saturday read and approved.

On motion of Mr. McCormick, Mr. Reed was granted leave of absence until Wednesday, the 19th inst.

On motion of Mr. Sanders, Mr. McKnight was granted leave of absence until Friday, the 21st inst.

Mr. Curtis reported H. B. No. 15, An Act in relation to crimes and punishment, correctly engrossed.

Mr. Curtis, Chairman of the Committee on Ways and Means, reported H. B. No. 17 back to the House, with a substitute.

Report received.

The following message was received from the Council, through Mr. Comly, their chief clerk:

COUNCIL CHAMBER,
January, 15, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body, that the Council have concurred in House substitute to C. B. No. 7, An Act to amend section 13, chapter 21 of general and miscellaneous laws, approved January 12, 1872.

That C. B. No. 12, An Act concerning printing, has passed the Council, and is herewith transmitted to the House.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Mr. Stuart reported as follows:

MR. SPEAKER—Your Committee, to whom was referred Council Bill No. 5, entitled "An Act to amend section 14 of chapter 21 of the Codified Statutes of Montana," beg leave to report the same back, and recommend that it be amended by inserting after the word "decision," at the end of the third clause of section first, the following words: "*And provided further*, That no person shall be allowed to vote on the question of said appropriation unless such person shall pay taxes on real or personal property in said county." And also that allof section 3, after the word "passage," in the second line, be stricken out.

STUART, *Chairman.*

January 17, 1876.

Report received.

Mr. Worden, from a Select Committee, reported as follows:

MR. SPEAKER—Your Special Committee, to whom was referred House Bill No. 19, have had the same under consideration, and report the same back with accompanying amendments, and recommend that it pass as amended:

Be it Enacted by the Legislative Assembly of the Territory of Montana, That section 2 be amended by striking out the words "seventy-five per cent" after the words redemption fund, and insert instead thereof "not less than fifty per cent;" and wherever the words "seventy-five per cent" occur in said bill "fifty per cent" be inserted in lieu thereof. That section 3 be amended by striking out the word "thirty" and inserting "fifteen." That section 4 be amended by inserting the words "and at session on the first Monday in January of each year," after the words "regular meeting."

Report received.

Notices of the introduction of bills were given as follows:

By Mr. Brooke: A Bill concerning the management of live stock.

By Mr. Carmichael: An Act to tax jury fees.

By Mr. Ford: A Bill to change the boundary line between Choteau and Deer Lodge counties.

By Mr. McCormick: A Bill to provide for the letting of all district and county offices to the lowest bidder.

Previous notice having been given, the following bills were introduced:

By Mr. Word: H. B. No. 26, An Act to provide for the funding of the debt of Madison county.

Read first and second times, and referred to the members of Madison county.

By Mr. Chessman: H. B. No. 27, A Bill for an act to incoporate the town of Helena.

Rules suspended, read first and second times, and referred to Messrs. Chessman, Sanders, Sweeney, and Clewell.

Mr. Speaker announced that he had signed C. B. No. 7.

By Mr. Rotwitt: H. B. No. 28, An Act to amend an act entitled An Act to provide a system of common schools.

Read first and second times.

Mr. Sanders moved to amend as follows:

Strike out "forty-four" where it occurs in section 1, and insert "forty-three" in lieu thereof. Also, strike out the words "chapter 88 of the Codified Statutes of Montana Territor," where they occur. Also, insert after the word "schools," in fifth line, section 1, the words "approved February 13, 1874."

On motion, the bill, with the amendments, was referred to the Committee on Education and Labor.

By Mr. Clewell: H. B. No. 29, A Bill for an act relative to costs in divorce cases.

Read first and second times, and referred to the Committee on Judiciary.

By Mr. Stuart: H. B. No. 30, A Bill for an act to amend section 630 of the Civil Practice Act, concerning proceedings in probate courts.

Read first and second times, and referred to the Committee on Judiciary.

Mr. Mead moved to suspend the rules so as to enable him to introduce a joint resolution, upon which motion the ayes and nays were called. Ayes, 14; nays, 10.

C. B. No. 12, An Act concerning printing, read first time.

Mr. Sanders moved to reject the bill, which motion was lost. Ayes, 5; nays, 19.

The bill was then second time.

Mr. Sanders offered the following amendment:

I move to amend by striking out all after the enacting clause in the bill, and insert the following:

Section 1. No money shall be paid from, nor shall any warrants be drawn on the treasury of any township or county within this Territory, or the treasury of the Territory, for the payment of any public printing of such township, county, or of the Territory, except pursuant to law.

Sec. 2. That it shall be the duty of the Auditor of the Territory, in the month of November of each year, to advertise for sealed proposals to do and perform the public printing for the Territory, and so much of the public printing for the various counties and districts therein, as they shall be required by the County Commissioners of the respective counties, or other officers, to do and perform as hereinafter provided, and he shall require bidders to accompany their bids with bonds or undertakings, with at least two good and sufficient sureties, who shall justify as sureties are required to justify upon undertakings in attachments, and who shall possess like qualifications in the sum of at least one thousand dollars; conditioned that if the said printing shall be awarded to such bidder, that he or they will do and perform the same promptly, and in a first-class and workmanlike manner when thereto required, for the various times when the same shall be needed, and will furnish all the paper and other material required for the execution thereof, without expense to the Territory, the counties, or any municipality therein, and will, at the rates mentioned, do and perform faithfully all the duties required of such bidder by the said Auditor under the law.

Sec. 3. The said Auditor shall, on application, furnish to any person or persons applying therefor, specifications of any work which he has reason to believe will be required of persons to whom the said printing shall be awarded, with specimens thereof, if such specimens are in his possession or under his control.

Sec. 4. The said printing shall not include Territorial commissions or bonds, but they shall be procured to be lithographed or engraved by the Governor, Auditor and Treasurer at the lowest price possible.

Sec. 5. The said printing shall include all printing of every kind and description whatsoever paid for or chargable to any county or district, or to the Territory, excepting such as is mentioned in section four of this act.

Sec. 6. The bids so received shall be opened by the said Auditor, in the presence of the Governor and Treasurer, who, for the purposes denominated in this section, shall constitute a Printing Board, and they shall award the contract to do and perform the printing as above provided for the Territory, and so much of the printing for the townships, districts and counties in the Territory, as may be required by the proper board or officers having authority to order the same, to such lowest bidder: *Provided*, That if such Printing Board shall have reason to believe that by reason of combinations for that purpose the said lowest bid is exorbitant, they may thereafter receive other and further bids for doing and performing such printing.

Sec, 7. Such printing shall include the printing in some newspaper of general circulation in this Territory of such notices as are required to be published under existing laws, and the bids shalll specify in which newspaper such notices shall be printed.

Sec. 8. The said lowest bid, if deemed by the printing board not exorbitant, shall be accepted and the printing awarded to the person or persons who made the same, and thereafter it shall be the duty of such puplic printer to do and perform the public printing for the Territory as required, and as provided in this Act, at the rates in his said bid specified.

Sec. 9. If any auditor, treasurer, clerk, commissioner, or other officer or board of this Territory, or of any district, county or township therein, shall pay any public money from, or draw any warrant on the treasury of such Territory, district, county, or township, by means whereof money may be paid for or on account of public printing herein provided for, such price being greater therefor than the same can be procured from the printer to whom the same is awarded under this Act, and greater than the bid therefor, as herein provided for; then, and in that case, such officer shall be liable to the municipality of which he is such officer, for the entire sum so paid, or for the entire sum of the warrants so drawn, with a reasonable attorney's fees to the district attorney, recoverable in any court of this Territory having jurisdiction of the amount, and upon the complaint of any person, it shall be the duty of the district attorney to sue for and recover the same. *Provided,* That if any board shall be sued under this section, it shall be a defense to any member thereof, if he shall show that he did not vote for, and refused at all stages of said claim to sanction or aid the same.

Sec. 10. *And be it farther enacted,* That as a part of the foregoing advertisement, the said Auditor shall ask for bids from the newspapers published in the Territory and of general circulation therein, for the publication by the one hundred words for the full time required for such publication of such summons, sheriff sale, guardian's, administrator's and executor's notices, and all notices of every kind and description whatever, which are by law required to be published in some newspaper, or which may be ordered by any court in this

Territory to be so published, or so many thereof as may be furnished him by parties for publication, and bids therefor separate from bids for the said public printing shall be received, and the said Auditor shall accept the lowest bid therefor, and award all of such printing which shall not be done in other newspapers by the newspaper of general circulation in the Territory which shall offer to do and perform the same at the lowest rate, and the publication of said summons, sheriff sales, guardian's, administrator's, and executor's notices, and all notices of every kind and description whatsoever, which are by the laws of this Territory required to be published in some newspaper, or which may be ordered by any court in this Territory to be so published, shall be as valid in the said newspaper to which the said Auditor shall award such printing as in any other paper in the Territory, anything in any law of this Territory heretofore to the contrary in force notwithstanding. But nothing in this section contained shall require the said notices, the publication of which is to be paid for by private parties, to be published in such newspaper, but they may, if they so desire, cause the same to be published under laws now in force in this Territory, nor shall anything in Section 9 of this Act require the county commissioners of other counties than that in which the public printer resides to procure the printing of him. *Provided,* That they shall not pay therefor a price exceeding that at which they can procure the same to be done by such public printer.

Sec. 11. That when the said printing board shall have made its award, it shall cause the same to be published, with the prices in detail in the newspaper to which the public printing for the territory has been awarded, and such publication shall be notice to every board and officer of this territory of the said award and the prices therein specified.

Sec. 12. That before entering upon the discharge of their duties under this act, the said members of said printing board shall severally take and subscribe an oath before some justice of the supreme court of this territory, to be deposited with the secretary of the territory, that they will impartially and faithfully, and to their best ability, discharge their duties under this act, without any regard to their personal preferences or the party affiliations of the bidders hereunder.

Sec. 13. That this act shall apply to all printing which is now or which hereafter may be required to be done, which is of the character herein specified.

Sec. 14. Upon the approval of this act, the said auditor shall proceed to advertise forthwith for bids for the printing herein provided for, for the year 1876, and in the month of November, 1876, and annually thereafter, he shall advertise for such bids in one newspaper in each judicial district of the territory for four weeks, and the said printing board, in the December following, shall annually proceed to make such awards of and for the printing, as herein provided for, for the year next ensuing.

Sec. 15. All acts and parts of acts modified by this act, shall be interpreted with reference to the provisions hereof, and all acts or parts of acts inconsistent herewith, are, to the extent of such inconsistency, repealed.

On motion of Mr. Word, the bill, with amendments, were referred to the Committee on Ways and Means.

The following message was received from the Council, through Mr. Comly, their Chief Clerk:

Council Chamber,
January 17, 1876.

Mr. Speaker—I am directed to inform your honorable body that the following notices of the introduction of bills have been given:

By Graham: A Bill taxing ores and bullion.

By Bass: A Bill to amend an act entitled, An Act to amend an act to regulate proceedings in civil cases in the courts of justice in Montana Territory, approved February 13, 1874.

By Watson: A Bill for an act to abolish the office of Territorial Treasurer, and make the Territorial Auditor *ex-officio* Territorial Superintendent of Public Instruction.

That Mr. Cullen introduced C. B. No. 23, An Act for the relief of John A. Quirk.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

On motion, the House took a recess until 2 o'clock P. M.

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2 o'clock P. M.—The House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

H. B. No. 17 was taken up, and on motion of Mr. Worden, the substitute was adopted, read first and second times, and ordered engrossed for a third reading.

H. B. No. 19 was taken up, and on motion of Mr. Worden, the amendments as recommended by the select committee were adopted, the bill adopted as amended, and ordered engrossed for a third reading.

C. B. No. 5 was taken up. Upon the question of adopting the amendments recommended by the committee, Mr. Mead asken for a division of the question.

A vote was then taken upon the adoption of the first subdivision of the amendments, which resulted in its adoption.

The last subdivision was then adopted.

Mr. Mead moved to indefinitely postpone the bill, upon which motion the ayes and nays were called, which resulted in, ayes 8, nays 15; and the motion was lost.

On motion of Mr. Chessman, the bill was adopted as amended.

On motion of Mr. Sanders, C. B. No. 5 was recommitted to the Committee on Towns and Counties, with instructions to strike out the 9th clause and renumber the subsequent clauses.

H. B. No. 15, An Act in relation to crimes and punishments, was read the third time, and passed by the following vote:

Ayes—Messrs. Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Mead, McCormick, Moore, of Gallatin, Moore, of Deer Lodge, Olds, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Word, Worden, and Mr. Speaker—22.

Nays—Messrs. Curtis and Woodlock—2.

The title was agreed to.

On motion of Mr. Word, the House adjourned until 2 o'clock P. M. to-morrow.

SAM. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 18, 1876.

The House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Speaker announced that he had signed C. B. No. 4.

The following communication was received from the agents of the North Pacific railroad:

To the Council and House of Representatives of the Legislative Assembly of Montana:

The undersigned respectfully represent that they are agents of the Northern Pacific railroad company, duly accredited to appear before your honorable body in behalf of said railroad company, to confer with you upon measures needful for the extension of said railroad into your territory, and to execute any such contract therefor as may be mutually agreed upon.

That the said Northern Pacific railroad is now constructed from Duluth, on Lake Superior, to Bismarck, on the upper Missouri, a distance of about four hundred and fifty miles; and is also constructed from Tacoma, on Puget sound, to Kalama, on the Columbia river, a distance of about one hundred miles. That the said eastern and western divisions, aggregating about five hundred and fifty miles of railroad, are successfully operated, each of them paying considerably more than running expenses.

That the said Northern Pacific railroad company has lately been re-organized by a foreclosure of its mortgage and agreement of parties in interest, so that it stands to-day free from bonded debt, and with no liabilities, except a small floating debt not exceeding half a million of dollars, secured by collateral, and being rapidly extinguished. Its unincumbered property consists of 550 miles of first-class railroad, thoroughly equipped with about 50 locomotives and 1500 cars, that earned the past year more than one hundred thousand dollars over running expenses, and a land grant, now amounting to more than six million of acres of land, earned and remaining unsold. The charter of the road also secures to it about 25,600 additional acres of land for every mile of road hereafter constructed. Probably there is not to-day another railroad of any magnitude in the country so free from debt, or where a tithe of so much property lies comparatively dormant, through lack of more complete development.

Your memorialists further respectfully represent that the interests of your great Territory are identical with ours, and that the extension of the Northern Pacific railroad into your interior mining districts is the one thing absolutely essential for your further development. We state our case thus strongly, because ours is the only direct route between the east and the west—the only trans-continental line to pass within your borders, and the only first-class road in contemplation. Any and all others can be but branches to the line nearly five hundred miles due south from you, to reach which you must travel nearly five hundred miles out of your way, and then be subject to a monopoly of rates that has been, and continues to be, complained of as exorbitant. We are credibly informed, and have before us, statistics prepared by your own citizens, showing that you are expending a million of dollars per annum for teaming your freight to and from the Union Pacific railroad. That your goods are freighted to you at an average cost of one hundred and twenty dollars per ton by rail and team, and twenty cents per pound by express. That your stage fare averages sixty dollars per passenger each way. That your transportation facilities, even at these enormous rates, are so inadequate to your wants, that you have to-day more rich ores out of the mines and laying in sacks on storage (much of it held for advances at from 1½ to 2½ per cent per month) than can be hauled away during the coming season. While these disabilities embarrass the working of your richest ores, they completely embargo the mining of such of your second-class ores as, in more accessible parts of the country, would be considered of incalculable value. In consequence, out of many thousand gold and silver veins recorded in your various counties, comparatively few are now worked at all.

Our railroad, extended into the heart of this rich mineral region, or to within an easy distance, would develop and bring out your dormant wealth to an incalculable extent. Your development and growth would be more rapid and startling than has been known in the history of this or any other country.

On the other hand, such a connection with you, and the consequent development of business, would place one thousand miles of our road between this point and the great interior lakes, in immediate paying condition, and secure an early connection with the Pacific coast.

With interests thus identical, and equally vast, we desire your earnest co-operation in the effort for an immediate advance. Our road is run within one hundred and sixty miles of your eastern border. The line of construction to that point and thence up the Yellowstone river is extremely feasible. The low price of labor and material, makes the present time a very favorable one for re-commencing construction. But in order to overcome the existing timidity of capital, to make it certain that the money invested is to be protected by the business of the Territory, we feel it will be necessary that the road shold be extended at least two hundred miles within your borders, and that your interests in it should be such as to make it your line of travel and transportation. An extension of the road not less than three hundred and sixty miles west of Bismarck would make it easily accessible to you. An investment of your credit in the construciion, secured by the proceeds of your business, would make it sure that the business would come, and equally certain that it would immediately increase, to such an extent as to stimulate a steady and rapid extension of the railroad throughout the entire length of the Territory.

We beg leave to suggest for your consideration a plan under which you can extend the helping hand to this great enterprise, and put its wheels in motion, without giving a subsidy, and without taxation, either for interest or principal. And we now offer, on behalf of our company, to construct our road from Bismarck to your eastern border, and to rail and operate so much road as you will furnish bonds to grade and bridge and tie, not less than two hundred miles in continuation of the same. The work to be commenced next spring and completed in two years.

It is estimated that ten thousand dollars per mile will grade, bridge and tie the road in the eastern part of the territory. Two hundred miles will require two millions of dollars.

We propose that you should issue for this purpose two millions of territorial bonds, bearing interest at the rate of eight per cent per annum, payable semi-annually, and maturing in twenty-five years; and that both interest and principal be secured by a lien upon the traffic of the road to and from Montana; the interest to be paid by the railroad company out of such gross receipts, and such further sum to be paid out of said receipts semi-annually and placed in trust, as will, with accruing interest, constitute a sinking fund sufficient to pay the bonds at maturity. One hundred and sixty thousand dollars per annum will pay the interest, and forty thousand dollars per annum will create a sinking fund ample for the final redemption. Thus two hundred thousand dollars per annum, or about twenty per cent of your present freight bills, would be ample to secure you on interest and principal, without any taxation whatever. The security is your own, and must be good as long as you do even the present limited business of the territory; and by this simple loan of your credit, and assurance of your support, you open a channel of communication which is absolutely certain to increase your production, and your consequent security, an hundred fold.

Having thus briefly presented the ground work of our proposal, we hold ourselves in readiness to confer with you upon details, or to make full explanations, or to conclude contracts, at your pleasure.

GEORGE STARK,
Vice President N. P. R. R.
W. MILNOR ROBERTS,
Chief Engineer N. P. R. R.

HELEA, January 17th, 1876.

On motion of Mr. Chessman, the communication was referred to the Committee on Territorial Affairs.

On motion of Mr. Sanders, the communication was ordered to be spread upon the Journal, and the Chief Clerk was instructed to furnish his excellency, the Governor, with a copy of the same.

A petition was presented from certain citizens of Madison county, which was referred to the Committee on Education and Labor.

The following message from the Council was received:

COUNCIL CHAMBER,
January 17, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body that C. B. No. 9, A Bill for an act to amend section 286 of the criminal practice act, has been indefinitely postponed.

That the following notices of the introduction of bills have been given:

By Allebaugh: A Bill to repeal section 7 of an act in relation to divorce.

By Hornbuckle: A Bill for an act to change the boundary lines of Meagher county.

Also: A Bill for an act to attach Davison to Meagher county for revenue and other purposes.

That C. B. No. 14, An Act to compel owners of toll roads and bridges to keep the same in repair, has passed the Council and is herewith transmitted.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Also, the following:

COUNCIL CHAMBER,
January 18, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body, that the following notices of introduction of bills have been given:

By Lewis: A Bill for an act to amend section 1 of an act entitled, An Act concerning licenses.

By Cardwell: A Bill for the funding of the indebtedness of Jefferson county.

That Allebaugh introduced C. B. No. 24, A Bill for an act to repeal section 7 of an act in relation to divorce.

That Watson introduced C. B. No. 25, An Act abolishing the office of Territorial Treasurer, and providing for the appointment of a Fiscal Agent for the Territory of Montana.

That Hornbuckle introduced C. B. No. 26, An Act to exempt woolen mills and their machinery from taxation.

That Graham introduced C. B. No. 27, A Bill for an act taxing ores and bullion.

That Mr. Watson introduced C. B. No. 28, An Act making the Territorial Auditor *ex-officio* Superintendent of Public Instruction.

That Mr. Hornbuckle introduced C. B. No. 29, A Bill for an act to provide compensation for the transportation and board of prisoners.

That a communication was received from Messrs. Stark and Roberts, agents for the N. P. R. R. one hundred copies of which have been ordered printed by the Council.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Mr. Curtis, chairman of the Committee on Engrossment, reported H. B. No. 19, and substitute for H. B. No. 17, correctly engrossed.

Mr. Stuart, from the Committee on Towns and Counties, reported as follows:

Mr. Speaker—Your committee to whom was recommitted Council Bill No. 5, beg leave to report the same back with amendment as instructed, to-wit: Strike out the ninth clause of section 1 and re-number the two succeeding clauses as ninth and tenth, and as thus amended recommend that the bill do pass.

Stuart, *Chairman.*

January 18th, 1876.

Report received.

Mr. McCormick reported as follows:

Mr. Speaker—Your Committee on Printing, to whom was referred House Bill No. 12, beg leave to report the same back to the House correctly printed.

McCormick, *Chairman.*

Mr. Curtis, from the Committee on Ways and Means, presented the following majority report:

Mr. Speaker—A majority of your Committee on Ways and Means, to which was referred C. B. No. 12, An Act concerning printing, with accompanying amendments, would recommend the rejection of all amendments handed to the committee, and beg leave to report the bill back to the House with the recommendation that the same pass with the following amendments:

Amend section 1 by adding thereto the following: Provided, that no printing shall be contracted for under the provisions of this act unless the same be expressly authorized by law.

Amend section 8 by adding thereto the following: Provided, that not exceeding one hundred copies of each Journal containing such laws shall be paid for at the rates herein prescribed.

Strike out of section 12 the following words: Letter-heads fifteen dollars per thousand copies. Also strike out of section

10 the following words: Letter-heads six dollars per thousand copies.

CURTIS,
SAMUEL WORD,
J. C. BURKETT.

Report received.

Mr. Chessman, from the Committee on Ways and Means, presented the following minority report:

MR. SPEAKER—A minority of your committee to whom was referred Council Bill No. 12, beg leave to report that while they do not object to many provisions of the bill, yet they believe that section No. 1 should be further amended so that the board on public printing should be directed to invite competition, and to make any reasonable contract at figures not exceeding those mentioned in the bill.

We would further recommend that the bill be so amended that litigants and private parties can make their own contracts with any paper they choose.

L. ROTWITT.
WM. A. CHESSMAN.

Report received.

Mr. Word reported as follows:

MR. SPEAKER—Your Committee on Judiciary, to whom was referred House Bill No. 6, A Bill for an act concerning affidavits, beg leave to report the same back to the House with the recommendation that the original bill be rejected and that the accompanying substitute therefor be adopted.

WORD, *Chairman.*

Report received.

Also, the following:

MR. SPEAKER—Your Committee on Judiciary, to whom was referred H. B. No. 10, being A Bill for an act relative to the admission of attorneys at law, beg leave to report that they have duly considered the same, and herewith report the same back and recommend that it be rejected.

WORD, *Chairman.*

Report received.

Also, as follows:

MR. SPEAKER—Your Committee on Judiciary, to whom was referred H. B. No. 29, An Act relative to costs in divorce cases, beg leave to report the same back to the House with the accompanying substitute, with the recommendation that the substitute herewith reported be adopted in lieu thereof.

WORD, *Chairman.*

Report recorded.

Also, as follows:

MR. SPEAKER—Your Committee on Judiciary, to whom was referred House Bill No. 9, being A Bill for an act relative to records, beg leave to report that they have had the same under consideration and report the same back to the House with the recommendation that the bill do not pass.

SAMUEL WORD, *Chairman.*

Report received.

Also, as follows:

MR. SPEAKER—Your Committee on Judiciary, to whom was referred Council Bill No. 11, being An Act to prohibit executors, administrators and judges of probate courts from purchasing chattels in certain cases, beg leave to report that it has duly considered the same, and herewith returns the same to the House with the recommendation that it do not passs.

SAMUEL WORD, *Chairman.*

Report received.

Mr. Word also presented the following majority report:

MR. SPEAKER—Your Committee, consisting of three of the Representatives in this House from Madison county, to whom was referred House Bill No. 26, being an act entitled An Act to provide for the funding of the debt of Madison county, beg leave to report the same back to the House, and recommend that it pass without amendment.

SAMUEL WORD,
DAVID KENNEALLY,
L. B. OLDS.

Report received.

Mr. Carmichael was granted twenty-four hours to submit a minority report upon House Bill No. 26.

Notices of the introduction of bills were given as follows:

By Brooke: A Bill for an act concerning the management of diseased sheep, and to protect the interest of wool growers in Montana.

By Curtis: An Act to amend section 286 of the Criminal Practice Act.

By Carmichael: A Bill to regulate the fees of jurors and witnesses.

By Olds: An Act relative to mechanics' liens.

By Worden: A Bill authorizing the county commissioners of Missoula county to apply certain funds to certain uses.

By Tierney: A Bill authorizing the county commissioners of Meagher county to appoint a fire warden, and for other purposes.

On motion of Mr. Sanders the following resolution was adopted:

Resolved, That any gentleman desiring the use of the hall of the House for the purpose of addressing the members of the Legislative Assembly, and the other citizens of the Territory, upon the subject of railroad communication with this Territory, shall be permitted to occupy the same whenever the House is not in session.

Previous notice having been given, the following bills were introduced:

By Mr. Chessman: H. B. No. 31, An Act to establish and regulate the fees of Sheriff.

Read first and second times.

Mr. Chessman moved to refer to the Committee on Towns and Counties.

Mr. Moore, of Deer Lodge, moved to amend by referring to the Judiciary Committee, which motion was adopted.

By Mr. Clewell: H. B. No. 32, An Act to amend an act to regulate and establish the fees of County Clerks and Recorders.

Read first and second times, and referred to the Committee on Judiciary.

By Mr. McCormick: H. B. No. 33, An Act to provide for biennial elections in the Territory of Montana.

Read first and second times, and on motion of Mr. Sanders, the bill was referred to the Committee of the Whole and made special order for Thursday, the 20th inst., at 2½ o'clock P. M.

Substitute for House Bill No. 17, An Act to amend an act entitled an act authorizing the county commissioners of the several counties to dispose of the surplus moneys in the different county funds, approved February 13, 1874, was read the third time, and passed by the following vote:

Ayes—Messrs. Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Olds, Rotwitt, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—22.

Nays—Messrs. Mead and Sanders.

Mr. Sanders moved to amend the title so as to read as follows: "An Act to provide for the transfer of the public funds of the several counties," which motion was lost.

The title was then agreed to.

H. B. No. 19, An Act to provide for the payment of the indebtedness of Missoula county, was read the third time, and passed by the following vote:

Ayes—Messrs. Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Olds, Rotwitt, Stuart, Sweeney, Tierney, Woodlock, Worden, Word, and Mr. Speaker—23.

Nay—Mr. Sanders.

The title was agreed to.

H. B. No. 12, An Act to reduce public expenses in the item of printing, was taken up.

Mr. Sanders moved to amend as follows:

I move to amend by striking out the word "Auditor" where it occurs in said bill, except in section 4, and inserting the words "Speaker of the House of Representatives" in lieu thereof, and by striking out the word "Treasurer" where it occurs in said bill, excepting in section 4, and inserting the words "President of the Council" in lieu thereof.

Also, add the following to section 5 of the bill:

The following named blanks shall be printed by the party contracting as aforesaid, at not exceeding the following rates:

Blank licenses, with stubs, bound, $8 per 1,000.

Tax receipts, with stubs, bound, $7 per 1,000.

Blanks for statistics, $9 per 1,000.

Territorial warrants, with stubs, bound, $20 per 1,000.

That printed blanks for the several counties shall be furnished at rates not exceeding the following rates:

Notices to tax payers, $7.50 per 1,000.

Assessor's blanks, $30 per 1,000.

Special poll tax receipts, with stubs, bound, $12 per 1,000.

Road tax receipts, with stubs, bound, $12 per 1,000.

County warrants, with stubs, bound, $20 per 1,000.

Mr. Word moved to indefinitely postpone H. B. No. 12, with the amendments offered by Mr. Sanders, upon which motion the ayes and nays were called.

Ayes—Beal, Burkett, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Stuart, Sweeney, Woodlock, Word—13.

Nays—Brooke, Cave, Carmichael, Clewell, Olds, Rotwitt, Sanders, Tierney, Worden, and Mr. Speaker—11.

And the motion prevailed.

H. B. No. 10, An Act relative to the admission of attorneys at law, was read the third time, and lost by the following vote:

Ayes—Brooke, Carmichael, Chessman, Curtis, Ford, Moore, of Gallatin, Rotwitt, Sanders, Sweeney, Tierney—10.

Nays—Beal, Burkett, Cave, Clewell, Kenneally, Mead, Moore, of Deer Lodge, McCormick, Olds, Stuart, Woodlock, Word, Worden, and Mr. Speaker—14.

H. B. No. 6, substitute adopted, A Bill for an act concerning affidavits, was read first and second times, and ordered engrossed for a third reading.

Substitute for H. B. No. 29, An Act relative to costs in divorce cases, was adopted; the substitute read first and second times, and ordered engrossed for a third reading.

C. B. No. 12, An Act concerning printing, was taken up, and Mr. Sanders moved to re-commit to the Committee on Ways and Means, with instructions to report amendments as follows:

Strike out the word "twenty," in line 16 of section 12 of the bill as printed, and insert the word "twelve" in lieu thereof. Also, strike out the word "thirty" and insert "twenty" in lieu thereof, in line 18 of section 12 of the bill as printed. Also, strike out the word "twenty" and insert "twelve" in lieu thereof, in line 17 of section 12 of the bill as printed.

Which motion was lost by the following vote:

Ayes—Carmichael, Chessman, Clewell, Rotwitt, Sanders, Worden, and Mr. Speaker—7.

Nays—Beal, Brooke, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Olds, Stuart, Sweeney, Tierney, Woodlock, Word, —17.

Mr. Word moved to adopt the amendments recommended by a majority of the Committee on Ways and Means, which motion was adopted, by ayes 17, nays 7.

Mr. Sanders moved to adjourn. Motion lost. Ayes, 7; nays, 17.

On motion of Mr. Word, the bill was adopted as amended.

Messrs. Sanders and Word both claimed the floor.

The Speaker decided that Mr. Sanders was entitled to the floor.

Mr. Curtis appealed from the decision of the Chair, and upon the roll being called the decision of the Chair was sustained by ayes 13, nays 10.

Mr. Carmichael moved that the House adjourn. Motion lost.

Mr. Word moved to suspend the rules, consider the amendments to C. B. No. 12 engrossed, read the bill by its title, and place it upon its final passage.

Mr. Word moved the previous question, which was carried by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Stuart, Sweeney, Tierney, Woodlock, Worden, Word, and Mr. Speaker—18.

Nays—Carmichael, Chessman, Clewell, Olds, Sanders, and Rotwitt—6.

Mr. Sanders called for a division of the question.

The vote was then taken upon the motion to suspend the rules, consider the amendments engrossed, which resulted in the adoption of the motion by

Ayes—Beal, Brooke, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—17.

Nays—Carmichael, Chessman, Clewell, Olds, Rotwitt, Sanders, and Worden—7.

The motion to suspend the rules and read the bill the third time by its title, and put it upon its final passage, was adopted by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—17.

Nays—Carmichael, Chessman, Clewell, Olds, Sanders, Rotwitt, and Mr. Worden—7.

Mr. Carmichael moved to adjourn, upon which motion the ayes and nays were demanded, and resulted in

Ayes—Brook, Carmichael, Chessman, Clewell, Rotwitt, Sanders, and Worden—7.

Nays—Beal, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Olds, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—17..

And the motion was lost.

C. B. No. 12, An Act concerning printing, was then read the third time by its title, and passed by the following vote:

Ayes—Bela, Brooke, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—17.

Nays—Carmichael, Chessman, Clewell, Olds, Rotwitt, Sanders, and Mr. Worden—7.

The title was agreed to.

Mr. McCormick moved to reconsider the vote by which C. B. No. 12 was passed.

Mr. Word moved to lay that motion on the table, which motion was adopted by the following vote:

Ayes—Beal, Burkett, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—15.

Nays—Brooke, Cave, Carmichael, Chessman, Clewell, Olds, Rotwitt, Sanders, and Worden—9.

C. B. No. 5, An Act to amend section 14, Chapter 21, of the Codified Statutes of Montana Territory, was taken up and the amendments offered by the Committee on Towns and Counties were adopted.

Mr. Sweeney moved a call of the House.

Roll called—members all present.

A further call of the House was dispensed with.

On motion of Mr. Mead, C. B. No. 5, with the amendments, was indefinitely postponed.

C. B. No. 11, An Act to prohibit executors, administrators, and judges of probate courts from purchasing chattles in certain cases, was read the third time and lost by the following vote:

Ayes—Brooke, Carmichael, Curtis, Ford, Olds, Tierney—6.

Nays—Beal, Burkett, Cave, Chessman, Clewell, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Rotwitt, Sanders, Stuart, Sweeney, Woodlock, Word, Worden, and Mr. Speaker—18.

Mr. Sanders gave notice that he would, on to-morrow, move to reconsider the vote by which C. B. No. 11, was lost.

The following communication was received from George Stark, vice president, and W. Milnor Roberts, chief engineer of the North Pacific railroad:

HELENA, M. T., Jan. 18th, 1876.

To the Members of the Montana Legislature:

GENTLEMEN—The undersigned have the honor to acknowledge the receipt of your invitation to meet with you for conference in regard to an extension of the North Pacific railroad.

We are informed by Mr. Hornbuckle, member of the Council, who presents the note, that it would best suit your convenience to have the conference in the Legislative Hall, on Thursday morning of this week at ten o'clock.

That time and place will be perfectly agreeable to us, and we shall be pleased to meet you as suggested.

Respectfully, your obedient servants,
GEO. STARK, *Vice President.*
W. MILNOR ROBERTS.

On motion of Mr. Moore, of Gallatin, the House adjourned to 2 o'clock P. M. to-morrow.

SAM. W. LANGHORNE.
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 19, 1876.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—J. H. McKnight.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Beal, chairman of the Committee on Education, reported as follows:

Mr. Speaker—Your Committee on Education and Labor, to whom was referred House Bill No. 28, report the same back with the following amendment, and recommend that it do pass.

Strike out forty-four where it occurs in section 1, and insert forty-three. Also, strike out the words "chap. 88 of the codified statutes of Montana Territory." Also, insert after the word "school," in line 5, section 1, the words, approved Feb. 13, 1874.

Beal,
Rotwitt,
Worden.

Report received.

Mr. Curtis reported as follows:

Mr. Speaker—Your Committee on Engrossment, to which was referred substitute for H. B. No. 6, A Bill for an act concerning affidavits, also substitute for H. B. No. 29, An Act relative to costs in divorce cases, would respectfully report the same back correctly engrossed.

Curtis.

Report received.

The Committee on Education and Labor reported as follows:

Mr. Speaker—Your Committee on Education and Labor, to whom are referred certain portions of the Governor's message, have had the same under consideration, and submit the following report:

I. Upon that part of the Governor's message referring to the enactment of a law prohibiting sporting, rioting, gambling, etc., etc., on the first day of the week, commonly called Sunday, your committee would make no recommendation, believing that this legislature will enact such laws as they consider to the best interests of all portions of the territory.

II. Upon that portion in regard to the education of the deaf, mute, and blind children, your committee would recommend the enaction of a law authorizing the Governor or Superintendent of Public Instruction to contract with some eastern institution for the education of these unfortunates.

III. Upon that part of the message referring to the historical society of Montana, we would recommend the usual annual appropriation.

IV. Upon that portion of the message referring to the school system, we agree with the Governor that our system of public schools is fully sustained by the people, and we favor such legislation as will make it, from year to year, more efficacious and successful.

V. In accordance with the Governor's suggestion, we would also recommend the printing of five hundred copies of the report of the Superintendent of Public Instruction.

BEAL, *Chairman.*
ROTWITT.
WORDEN.

Report received.

The following message was received from the Council:

COUNCIL CHAMBER,
Jan. 18, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that House amendments to C. B. No. 12 have been concurred in by the Council.

That C. B. No. 2, An Act to require butchers and slaughterers to give bonds and to keep a record of the animals purchased and slaughtered by them, has passed the Council.

Respectfully,

HARVEY R. COMLY,
Chief Clerk.

Also, the following:

COUNCIL CHAMBER,
January, 19, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the following bills have been introduced:

By Hornbuckle: C. B. No. 30, An Act to amend section 1 of an act entitled, an act revising, re-enacting, and codifying the general and permanent laws of Montana Territory.

By Cardwell: C. B. No. 31, A Bill to provide for the funding of the outstanding twelve per cent bonds of Jefferson county, M. T., and for other purposes.

By Bass: C. B. No. 32, An Act to amend an act entitled, an act to amend an act to regulate proceedings in civil cases in the courts of justice in the Territory of Montana.

By Lewis: C. B. No. 33, An Act to amend section 1 of an act entitled, an act concerning licenses, approved May 8, 1873.

That the Governor has approved C. B. No. 7, An Act to amend section 13 of chapter 21 of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory.

Respectfully,

HARVEY R. COMLY,
Chief Clerk.

Mr. Reed, chairman of the Committee on Roads and Highways, reported as follows:

Mr. Speakre—Your Committee on Roads and Highways, to whom was referred H. B. No. 21, having considered the same, beg leave to report it back to the House, accompanied with substitute, the passage of which your committee respectfully recommend.

Reed, *Chairman.*

Report received.

Also, the following:

Mr. Speaker—Your Committee on Roads and Highways, to whom was referred Council Bill No. 14, having had the bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Reed, *Chairman.*

Report received.

Mr. Speaker—Your Committee on Elections, to whom was referred House Bill No. 25, having had the same under consideration, respectfully report the accompanying substitute for said bill, and recommend that said substitute be adopted.

C. Mead,
Alfred Cave,
T. H. Clewell.
Committee.

Report received.

Also, as follows:

Mr. Speaker—Your Committee on Elections, to whom was referred so much of the message of the Governor recommending the enactment of a law prohibiting the sale or giving away of intoxicating liquors on election days, and the change of the time of holding elections to conform to the time fixed by Congress for the election of delegate to Congress, having had the same under consideration, respectfully report that as to the sale or giving away of intoxicating liquors on election days, a majority of said committee report that an act be passed accordingly; and as to so much thereof as relates to the change of the time of holding elections, that an act be passed accordingly.

C. MEAD,
ALFRED CAVE,
T. H. CLEWELL.
Committee.

Mr. Word reported as follows:

MR. SPEAKER—Your Committee on Judiciary, to whom was referred House Bill No. 23, An Act to protect game and fish in the Territory of Montana, beg leave to report the same back with the following amendments, to-wit:

Strike out the word " mountain " in the third line of section 1, and at the end of section 2 insert the following section, and renumber the ensuing sections:

" Sec. 3. That any person or persons who shall trap, shoot, or otherwise kill or cause to be killed, any beaver, otter, marten, or fisher, between the first day of April and the first day of October of each year, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than fifty dollars nor more than two hundred and fifty dollars for each offense committed."

Insert after the word " gold-finch," in section 6 (as re-numbered) the words " flicker, or yellowhammer, blackbird, oriole, snowbird."

Also insert in the title of the bill after the word " and," the words " fur bearing animals and," and as thus amended recommend that the bill do pass.

SAMUEL WORD, *Chairman.*

Report received.

Mr. McCormick reported as follows:

MR. SPEAKER—Your Committee on Federal Relations, to whom was referred Council Joint Memorial No. 1, beg leave to report that they have had the same under consideration, and have carefully weighed the statements therein made; and while the committee properly and duly appreciate the objects sought to be accomplished by said memorial, and believe it to be one that would greatly facilitate the settlement of the Territory, and in time give us an eastern outlet to and from the territory, nevertheless we cannot consent to stultify ourselves by going upon the record as endorsing the statements "that there never has been any illicit traffic with the Crow tribe of Indians; that it is a fact which can be easily demonstrated that the Crow tribe of Indians do not indulge in intoxicating liquors nor have they ever been induced to do so." These statements, however gratifying they might be to the executive ear, or however complimentary they might be to that particular branch of the Lo family, they are certainly not such as to commend themselves to the approval of men who have spent much of their lives upon the frontier, and whose knowledge of Indian traits and characteristics, derived from personal observation, leads them to state as a rule, that it is just as natural for an Indian (and in this respect we believe that the Crow Indians, as a tribe, do not constitute an exception) to indulge in the use of intoxicating liquor whenever it can be obtained, as it is for him to steal whenever an opportunity presents itself, unless restrained by imminent danger of detection and punishment. Thus believing and desiring to cooperate with the Council in the objects sought to be accomplished by this memorial, and believing that said object can be secured by a statement of the facts as we believe them to be, we beg leave to report the same back to the House with the following amendments: That the word "eastern" be inserted in line 17, after the word "national." Also, strike out of line 24, page 1, and lines 1 and 2, on page 2, the following words: "Thereby adding greatly to the expense, tediousness and delay in our intercourse with the east." Also, strike out on page 3, in lines 3, 4, 5, 6, 7, 8 and 9, the words, "that there never has been any illicit traffic with the Crow tribe of Indians; that it is a fact which can be easily demonstrated that the Crow tribe of Indians do not indulge in intoxicating liquors, nor have they ever been induced to do so." With these amendments your committee do recommend that the memorial pass.

McCormick, *Chairman.*

Mr. Carmichael reported as follows:

The minority of your Select Committee, to which was referred H. B. No. 26, A Bill for an act to provide for the funding of the debt of Madison county, beg leave to submit the following report:

1st. That in the opinion of a minority of your said committee, the sole object of the said bill is to give legislative sanction to an unjust and illegal debt amounting to about $42,000, imposed upon the tax-payers of said county, by the action of the Board of County Commissioners, against the expressed wish of three-fourths of the people of Madison county, as was abundantly shown by the petitions and remonstrances of citizens on this subject, presented to the said board, there being about three remonstrants to one petitioner.

2d. That the existing legal debt of Madison county does not exceed $20,000 in warrants, and about $1,000 in old 15 per cent bonds, which are now being called in for redemption.

3d. That the present assessed valuation of property in Madison county is about $1,700,000, and the usual tax levied and collected upon this amount would pay the current expenses of the county, and in less than eighteen months discharge the entire legal indebtedness of every description now outstanding against said county.

4th. That the minority of your committee believes it to be the desire of a majority of the citizens and tax-payers of Madison county, to test the legality of the aforesaid action of the Board of County Commissioners in authorizing and creating the aforesaid indebtedness of $42,000, and that the purpose of the said bill is unjustly to forestall any such action on the part of the people, and to prevent any reference of their grievance to a judicial tribunal.

5th. Believing the said bill to be detrimental to the interests of Madison county, and calculated and intended to work a gross injustice to a large majority of its citizens, the minority of your committee recommends that it do not pass.

A. CARMICHAEL.

C. B. No. 2, An Act to require butchers and slaughterers to give bonds and to keep a record of the animals purchased and slaughtered by them, was read first and second times, and referred to the Committee on Grazing and Stock Growing.

Bills were introduced as follows:

By Mr. Brooke: H. B. No. 34, An Act concerning the management of diseased sheep, and the better to protect the interests of wool growing in the Territory of Montana.

Read first and second times and ordered printed.

By Mr. Curtis: H. B. No. 35, An Act to amend section 286 of the criminal practice act.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Tierney: H. B. No. 36, A Bill for an act authorizing the county commissioners of Meagher county to appoint a fire warden, and for other purposes.

Read first and second times, and referred to the members from Meagher county.

By Mr. Carmichael: H. B. No. 37, A Bill for an act to tax jury fees.

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Carmichael, the following resolution was adopted:

Resolved, That a joint rule be adopted, the Council concurring, as follows, to-wit: That no communication to either House shall be received or read except from the other House of the Legislative Assembly, or some officer required by law to report to the Legislative Assembly, except such communications come to such House through the hands of the Governor, unless by express order of one of the two Houses, first expressed in a resolution for that purpose.

Substitute for H. B. No. 6, A Bill for an act concerning affidavits, was read the third time and passed.

Ayes—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—23.

Nay—Burkett.

The title was agreed to.

Substitute for H. B. No. 29, A Bill for an act relative to costs in divorce cases, was read the third time, and passed by the following vote:

Ayes—Beal, Cave, Chessman, Clewell, Curtis, Ford, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Olds, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Word, Worden, and Mr. Speaker—19.

Nays—Brooke, Burkett, Carmichael, Kenneally, Reed, and Woodlock—6.

Title agreed to.

Mr. Carmichael moved to adopt the minority report upon H. B. No. 26.

Mr. Sanders moved to postpone the consideration of the bill and reports, to Saturday, at 2 o'clock P. M. Motion lost.

The following message was received from the Council:

COUNCIL CHAMBER,
January 19, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body that H. B. No. 17, H. B. No. 14, and H. B. No. 18, have passed the Council, and are herewith transmitted.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

House Bills 14, 17, and 18 were ordered enrolled.

On motion of Mr. Carmichael, H. B. No. 26 was made the special order for Monday, January 24, at 2 o'clock P. M.

On motion of Mr. Sanders, the substitute for H. B. No. 25 was adopted.

Read first and second times, and ordered printed.

On motion of Mr. Chessman, the amendments to H. B. No. 23 were adopted, the bill was adopted as amended and ordered engrossed for third reading.

On motion of Mr. Moore, of Deer Lodge, substitue for H. B. No. 21 was adopted.

Read first and second times, and ordered printed.

On motion of Mr. Sanders, the amendments to H. B. No. 28 were adopted, and the bill ordered engrossed, as amended, for a third reading.

On motion of Mr. Sanders, C. B. No. 14 was re-committed to the Committee on Roads and Highways, with instructions to strike out section 4.

C. J. M. No. 1 was taken up, and Mr. McCormick moved to adopt the amendments recommended by the committee.

Mr. Reed asked for a division of the question.

The first sub-division of the amendments was then adopted.

The second sub-division was then adopted.

The third sub-division was then adopted by the following vote:

Ayes—Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Worden—21.

Nays—Beal, Word, and Mr. Speaker—3.

The Speaker announced that he had signed C. B. No. 12.

Mr. Ford moved a call of the House.

Roll called—Carmichael absent.

On motion of Mr. Sanders, a further call of the House was dispensed with.

C. J. M. No. 1 was read the third time and passed, as amended, by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—23.

Nays—None.

Absent without leave—McCormick and Worden.

Absent with leave—McKnight.

Title agreed to.

On motion of Mr. Carmichal, the House adjourned until 2 o'clock P. M. to-morrow.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

EIGHTEENTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 20, 1876.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

J. H. McKnight absent on leave.

Prayer by the Chaplain.

Journal of yesterday read and approved.

H. B. No. 19 was ordered enrolled.

Mr. Sanders presented a petition from citizens of Lewis and Clarke County, praying a reduction of the license on insurance companies.

Read and referred to the Committee on Ways and Means.

Mr. Carmichael, from the Committee on Enrollment, reported H. Bs. Nos. 14, 17, and 18 correctly enrolled.

The following message was received from the Council, through Mr. Comly, their Chief Clerk:

COUNCIL CHAMBER,
January 20, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that Mr. Cullen gave notice of the introduction of a bill entitled An Act concerning chattel mortgages.

That the following bills were introduced by the Judiciary Committee:

C. B. No. 34, An Act relative to the Territorial library.

By Tatem: C. B. No. 35, An Act concerning notaries public.

That H. C. R. No. 1 has been indefinitely postponed in the Council.

That the following bills have passed the Council, and are herewith transmitted:

C. B. No. 13, An Act to abolish private seals.

C. B. No. 19, An Act requiring witness' and jurors' fees to be paid into the county treasury.

C. B. No. 20, An Act in relation to the management of Insane persons in Montana Territory.

H. B. No. 19, An Act to provide for the payment of the indebtedness of Missoula county.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Mr. Curtis, from the Committee on engrossment, reported as follows, to-wit:

MR. SPEAKER—Your Committee on Engrossment, to which was referred H. B. No. 23, A Bill for an act to protect game, fur-bearing animals and fish in the Territory of Montana, respectfully report the same back correctly engrossed.

CURTIS, *Chairman.*

Report received.

Also, as follows:

MR. SPEAKER—Your Committee on Engrossment, to which was referred H. B. No. 28, An Act to amend an act entitled an act to provide for a system of common schools, respectfully report the same back correctly engroossed.

CURTIS, *Chairman.*

Report received.

Notices of the introduction of bills were given as follows:

By Curtis: A Bill for the relief of D. H. Finebarge.

By Beal: A Bill for an act to protect the citizens of the Territory of Montana from empiricism, and to elevate the standing of the medical profession.

By McCormick: A Bill to provide for the care, support and maintainance of the county sick and poor.

By Moore, of Deer Lodge: A Bill for an act to amend section 1 of an act to establish and regulate the fees of assessors, coronors, and other officers in the Territory of Montana, approved May 2d, 1873.

By Carmichael: A Bill to repeal chapter twenty-seven, an act relative to county finances.

The House then resolved itself into a Committee of the Whole to consider H. B. No. 33, An Act to provide for biennial elections in the Territory of Montana.

Mr. McCormick in the chair.

The House resumed. Mr. Speaker in the chair.

Mr. Curtis moved to adjourn to 2 P. M. to-morrow. Carried.

SAM. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

NINETEENTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 21, 1876.

The House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

H. B. No. 19 was reported correctly enrolled.

H. B. No. 29 was ordered enrolled.

Mr. Speaker announced that he had signed House Bills Nos. 14, 17, 18, and 19.

The following communication was received from the Council:

COUNCIL CHAMBER,
January 21, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body that the Governor has informed the Council that he has approved C. B. No. 12, An Act concerning printing.

That the Council has confirmed the appointment of David H. Cuthbert as Territorial Auditor.

That H. B. No. 29, An Act relative to costs in divorce cases, has passed the Council and is herewith transmitted.

Respectfully,

HARVEY R. COMLY,
Chief Clerk.

Mr. Reed reported as follows:

MR. SPEAKER.—Your Committee on Roads and Highways, to whom was recommitted C. B. No. 14, with instructions to strike out section 4, having had the bill (together with instructions) under consideration, beg leave to report the same back to the House with recommendations as follows:

Your committee recommend that section 4 *be not stricken out*, as from such action the bill would go into action immediately upon its passage, and take by surprise, and work a hardship upon owners of bridges thrown out of repair by ice gorges during the present winter. Instead of striking out section 4, your committee recommend that it be so amended as to read as follows:

Sec. 4. That this act shall take effect and be in force from and after the first day of April, A. D. 1876.

Your committee further recommend that the bill do pass.

REED, *Chairman.*

Report received.

Mr. Stuart reported as follows:

MR. SPEAKER—Your Committee on Towns and Counties, to whom was referred House Bill No. 16, relating to counties and county officers, beg leave to report the same back to the House with a substitute, and recommend that it be adopted and do pass.

STUART, *Chairman.*

January 21, 1876.

Report received.

The select committee to whom was referred the petition from certain citizens of Jefferson county, reported as follows:

MR. SPEAKER—Your Select Committee, composed of the members from Jefferson and Gallatin counties, to whom was referred the petition from R. Millegan and others, have had the same under consideration, and would most respectfully report back to the House, that we deem it unwise and inexpedient at the present time to change or interfere with the boundaries of any of the counties in this Territory; that in our opinion the time is not far distant when increased wealth and population will justify the formation of new counties, and changes in the boundaries of existing counties.

Your committee would recommend the adoption of the following resolutions:

Resolved, That any changes in the established boundary lines of any county in this Territory at this time, would inflict unnecessary burdens upon the people, is not warranted by the present limited population of the counties, and would be unwise and inexpedient.

Resolved, That no proposition to change the present boundary lines of any county in this Territory, or to create a new county out of any portion of an organized county therein, will be entertained by this House except by the unanimous consent of the representatives from the counties affected by such proposed change.

OTHO CURTIS,
S. W. LANGHORNE,
A. B. MOORE,
BRIGHAM REED,
E. G. BROOKE.

Report received.

Notices of the introduction of bills were given as follows:

By Mr. Moore, of Deer Lodge: A Bill to authorize the courts of justices of the peace, and all other courts, to require persons convicted of crimes before them to give security to keep the peace.

By Mr. Stuart: A Bill for an act to amend section 47 of chapter 18 of the codified statutes in relation to corporations; also, A Bill for an act to prevent hogs from running at large.

By Mr. McCormick: An Act for the protection of sheep against dogs.

By Mr. Cave: A Bill for the better protection of county bridges.

Mr. Burkett in the chair.

On motion of Mr. Sanders, the following resolution was adopted:

Resolved, That the Secretary of the Territory be informed that the hat and coat racks of the House do not answer the purposes for which they were designed, but have fallen from the walls of the House; and that he be further informed that the heating apparatus of the House is inadequate, and that the smoke from the stoves is such that the House can remain in session only at great inconvenience and suffering, and that he be requested to correct the same.

C. B. No. 13, An Act to abolish private seals, read first and second times, and referred to the Committee on Judiciary.

C. B. No. 19, An Act requiring witness' and jurors' fees to be paid into the county treasury, read first and second times, and referred to the Judiciary Committee.

C. B. No. 20, An Act in relation to the management of insane persons in the Territory of Montana, read first and second times, and referred to the Committee on Territorial Affairs.

Mr. Brooke introduced H. B. No. 38, An Act concerning the management of live stock, and to protect the interests of stock growers in the Territory of Montana.

Read first and second times and referred to the Committee on Printing.

Mr. Ford introduced H. B. No. 39, An Act in relation to counties and county boundaries.

Read first and second times, and referred to a select committee composed of the members from Deer Lodge and Chouteau counties.

Mr. Worden introduced H. B. No. 40, An Act authorizing the county commissioners of Missoula county to apply certain funds of said county for a specific purpose.

Read first and second times, and referred to the members from Missoula county.

Mr. Curtis introduced H. B. No. 41, An Act for the relief of D. H. Linebarger, treasurer of Jefferson county, Montana Territory, and the discharge and release of his official bondsmen as such.

Read first and second times, and referred to the members of Jefferson county.

Mr. Moore, of Deer Lodge, introduced H. B. No. 42, An Act to amend section 1 of an act entitled an act to establish and regulate the fees of assessor, coronor, and other officers in the Territory of Montana, approved May 2, 1873.

Read first and second times, and referred to the Committee on Judiciary.

Mr. Sanders introduced H. B. No. 43, An Act concerning license.

Read first and second times, and amended so as to fill first blank with "seventy-five," and second blank with the word "twenty."

The bill was then referred to the Committee on Ways and Means.

Mr. Rotwitt introduced H. J. M. No. 1, to William W. Belknap, Secretary of the Department of War, Washington, D. C.

Read first and second times, and, on motion of Mr. Sanders, the words "Washington, D. C.," in the title, were stricken out. Also, to insert the words "your memorialists will ever pray," &c., at the end of the memorial, and referred to the Committee on Federal Relations.

Mr. Stuart moved to adopt the first resolution of the report of the Select Committee to whom was referred the petition from certain citizens of Jefferson county. Upon which motion the ayes and nays were called.

Those voting aye were—Messrs. Brooke, Burkett, Curtis, Kenneally, Mead, Moore, of Gallatin, Olds, Reed, Stuart, Woodlock, Word, and Mr. Speaker—12.

Those voting nay were—Messrs. Beal, Cave, Carmichael, Chessman, Clewell, Ford, Moore, of Deer Lodge, McCormick, McKnight, Rotwitt, Sanders, Sweeney, Tierney, and Worden—14.

And the resolution was lost.

Mr. Word moved to adopt the second resolution offered by said Select Committee. Upon which motion the ayes and nays were called, and those voting in the affirmative were—Messrs. Burkett, Curtis, Kenneally, Mead, Moore, of Gallatin, Olds, Reed, Stuart, Sweeney, Woodlock, Word, and Mr. Speaker—12.

Those voting in the negative were—Messrs. Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Ford, Moore, of Deer Lodge, McCormick, McKnight, Rotwitt, Sanders, Tierney, and Worden—14.

And the resolution was lost.

Mr. Curtis moved that H. B. 16 be re-committed to the Committee on Towns and Counties, with instructions to report a bill providing for one assessor in each county, and no more.

On motion of Mr. Sanders, the report of the Committee on Roads and Highways, upon C. B. No. 14, was rejected.

On motion of Mr. Sanders, C. B. No. 14 was amended by striking out section 4 of the bill.

C. B. No. 14 was then read the third time and passed.

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Ford, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Worden, Mr. Speaker—21.

Nays—Carmichael, Curtis, Kenneally, Olds, and Word—5.

The title was agreed to.

The Speaker signed C. J. M. No. 1.

H. B. No. 27, An Act to amend an act entitled an act to provide for a sytem of common schools, was read the third time, and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—23.

Nays—Curtis, Mead, and Olds—3.

The title was agreed to.

On motion, Mr. Moore, of Deer Lodge, was granted leave of absence until Tuesday, January 25, 1876.

On motion of Mr. Word, the House adjourned to 2 o'clock P. M. to-morrow.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

TWENTIETH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 22, 1876.

The House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Moore, of Deer Lodge, absent on leave.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. Brooke, the action of the House in passing H. B. No. 23 to a third reading was reconsidered, and the bill was re-committed to the Committee on Judiciary.

Mr. Carmichael reported as follows:

MR. SPEAKER—Your Committee on Enrollment have examined H. B. No. 29, An Act relative to costs in divorce cases, and find the same correctly enrolled.

Mr. Speaker announced that he had signed H. B. No. 29.

Mr. McCormick reported as follows:

Mr. Speaker—Your Committe on Printing, to which was referred House Bills Nos. 25 and 34, beg leave to report the same back to the House correctly printed.

McCormick, *Chairman.*

Report received.

Mr. Stuart, from the Committee on Towns and Counties, reported as follows:

Mr. Speaker—Your Committee on Towns and Counties, to whom was referred House Bill No. 16, An Act relating to counties and county officers, with instructions to provide for one assessor in each county, beg leave to report the same back with a substitute, and recommend that it do pass.

Stuart, *Chairman.*

January 22d, 1876.

Report received.

Mr. Chessman reported as follows, from the Select Committee:

Mr. Speaker—Your Select Committee, to whom was referred House Bill No. 27, beg leave to report that they have had the same under consideration, and would recommend the following amendments:

Amend section 17 of article 5 by adding to the last line, the words "to exceed the sum of five hundred dollars."

Amend section 35 of article 5 by striking out in lines two and three the words "published in two newspapers in the city, or."

Also, to strike out section 22 of article 7, and renumber the ensuing sections.

And that the bill as amended do pass.

Chessman, *Chairman.*

Report received.

Mr. Rotwitt, from Select Committee, reported as follows.

Mr. SPEAKER—Your Committee, to whom was referred H. B. No. 36, return the same with the recommendation that it do pass.

ROTWITT,
TIERNEY,
Committee.

Report received.

Mr. Worden, from a select committee, presented the following report:

MR. SPEAKER—Your Special Committee, to whom was referred House Bill No. 40, An Act authorizing the county commissioners of Missoula county to apply certain funds of said county for a specific purpose, having had the same under consideration, report the same back, and recommend that it do pass.

WORDEN,
McCORMICK,
CAVE,
Committee.

Mr. McCormick reported as follows:

MR. SPEAKER—Your Committtee on Federal Relations, to which was referred H. J. M. No. 1, report the same back with the recommendation that the words "Washington, D. C." be stricken out where they occur therein, and that there be added thereto the words, "And your memorialists as in duty bound will ever pray;" and that as amended the memorial do pass.

McCORMICK, *Chairman.*

Report received.

Mr. McCormick, Chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER—I am instructed by the Committee of the Whole, which has had under consideration, House Bill No. 33, to report the bill back with the following amendments, with the recommendation that the same be referred to the committee on printing, with instructions to have the same printed.

McCORMICK, *Chairman.*

Substitute the following for section one:

Section 1. That all male citizens of the United States, above the age of twenty-one years, and all male persons of the same age, who shall have declared their intention of becoming citizens, and who under the existing laws of the United States may ultimately become citizens thereof, shall be deemed electors of this Territory, and be entitled to vote for delegate to congress, and for territorial, district, county and precinct officers.

Provided, They shall have resided in the Territory six months, and in the county where they may offer to vote thirty days, next preceding the day of election.

Amended by adding to section 29 the following:

And if any officer or officers whose duty it is to forward returns of any election to the board of county commissioners, auditor, or other officer of the township, county, district, or the territory, shall omit, neglect, or refuse, to perform such duty as is by law required, he shall be liable to pay, in an action brought therefor in any proper court, the expenses of sending for and procuring such returns or poll-books as he is by law required to forward, and shall be entitled to no exemptions whatever on such judgment, and he or they shall moreover be deemed guilty of a misdemeanor, and being thereof convicted, shall be fined not less than one hundred nor more than five hundred dollars, and shall be imprisoned not less than one day nor more than six months in the county jail, and it is hereby made the duty of the canvassing board to send for and procure such returns before canvassing the votes, if the same can be procured.

Amend section 34 as follows:

Provided, that when any officer, who by law is required to give bonds before entering upon, or when entering upon his said office, and whose term of office is hereby prolonged, shall, before entering upon that portion of his term hereby prolonged, give a new undertaking in the form and to be approved as is now provided by law.

Amend section 38 by adding the following:

And he shall be entitled to enter upon and hold said office until such decision shall be reversed on appeal.

Amend by adding after section —, the following sections, and number accordingly:

Section 1. Any person guilty of stuffing any ballot box, either by false bottoms or in any manner whatever, before the votes are counted or while being counted, and any judge of an election who shall knowingly count or read off the votes falsely shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned in the territorial prison, for each and every offense so convicted of, for a term of not less than one nor more than five years.

Sec. 2. If any person or persons, at any election held by virtue of any law of this territory, shall, either by force, fraud, stealth, or otherwise, destroy, obtain, or attempt to obtain, possession of any ballot box, or any ballot or ballots therein deposited, or any poll book, tally list, or other article or articles, kept and used by the judges and clerks in conducting such election, while the voting at such election is going on, during the day of election, or either before or after the ballots have been taken out of the box and counted by the judges of election, shall be deemed guilty of a felony, and upon conviction thereof, be imprisoned in the territorial prison, for each and every offense so convicted of, for a term of not less than one nor more than five years.

Sec. 3. Any person who shall vote, or attempt to vote, in the name of any other person than his own, and any person who causes, aids, or abets any person so to vote, or attempt so to vote, shall, upon conviction thereof, be punished, for each offense, by imprisonment in the territorial prison not less than one year, nor more than five years.

Sec. 4. If any person not having the legal qualifications of a voter, shall fraudulently vote, or shall fraudulently attempt to vote, at any election, such person, on conviction thereof, shall be punished by imprisonment in the territorial prison for a term not less than one nor more than five years.

Sec. 5. If any elector shall vote more than once at any election, or shall knowingly hand in two or more tickets, folded together, or shall attempt to vote more than once at the same election, he shall, on conviction thereof, be punished by imprisonment in the territorial prison for a term not less than one nor more than five years.

Sec. 6. If any person shall, directly or indirectly, use any threats, menace, or force, or any corrupt means or device, at, or previous to, or during any election held pursuant to the election laws of this territory, toward any elector, to hinder or deter him from voting at such election, or shall attempt, by any means whatever, to awe, restrain, hinder, or disturb any elector in the free exercise of the right of suffrage, he shall, upon conviction thereof, be fined in any sum not less than fifty nor exceeding five hundred dollars.

Sec. 7. Any person wilfully, corruptly, and falsely swearing or affirming, before the board of judges of election, or any member thereof, or the clerk, while in session, or in holding an election, shall be deemed guilty of perjury, and on conviction, shall be punished. If any member of any board of judges or clerks of election, or any other person in any manner concerned in conducting an election, shall wilfully and corruptly violate any of the provisions of this act, the penalty of which is not herein prescribed, or be guilty of any fraud, deceit, or abuse, in the execution of the duties of his office, the penalty for which is not herein prescribed, he shall be punished, for each and every offense whereof he shall be convicted, by imprisonment in the territorial prison for a term not less than one nor more than five years, or shall pay a fine of not less than fifty nor more than five hundred dollars, in the discretion of the court.

Report received.

Notice of the introduction of a bill was given by Mr. Chessman, A Bill for an act to provide for the redemption of the funded debt of Lewis and Clarke county.

Mr. Stuart introduced H. B. No. 44, An Act to prevent hogs from running at large.

Read first and second times, and referred to the Committee on Towns and Counties.

Also, H. B. No. 45, A Bill for an act to amend an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory.

Read first and second times, and referred to the Committee on Judiciary.

On motion of Mr. Carmichael, H. J. M. No. 1, to the Secretary of the Department of War, was taken up. Amendments adopted and ordered engrossed, as amended, for a third reading.

H. B. No. 36, An Act authorizing the county commissioners of Meagher county to appoint a fire warden, and for other purposes, was taken up, and, on motion of Mr. Rotwitt, was ordered engrossed for a third reading.

On motion of Mr. Worden, H. B. No. 40, An Act authorizing the county commissioners of Missoula county to apply certain funds of said county for a specific purpose, was ordered engrossed for a third reading.

Mr. Rotwitt moved that H. B. No. 25 be referred to the Committee on Elections, with instructions to apportion the members on the basis of the vote of 1874.

Mr. Carmichael moved to amend by referring it to a Select Committee composed of one member from each county, which motion prevailed, and Mr. Speaker appointed Messrs. Carmichael, Mead, Stuart, Worden, Ford, Rotwitt, Moore, of Gallatin, Curtis, and Sanders.

H. B. No. 34, An Act concerning the management of diseased sheep, and the better to protect the interest of wool growing in the Territory of Montana, was taken up and referred to Committee on Grazing and Stock Growing.

On motion of Mr. Sanders, H. B. 27, An Act to incorporate the town of Helena, was taken up, and the amendments, as recommended by the Select Committee, were adopted, and the bill adopted, as amended, and ordered engrosed for a third reading.

On motion of Mr. Carmichael, substitute for H. B. No. 16, An Act relating to counties and county officers, was adopted.

Read first and second times and ordered printed.

On motion of M. Burkett, the House adjourned to 2 o'clock P. M., on Monday.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

TWENTY-SECOND DAY.

House of Representatives,
Helena, M. T., Jan. 24, 1876.

The House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

John C. Moore absent on leave.

Prayer by the Chaplain.

Journal of Saturday read and approved.

The following communication was received from the Council.

Council Chamber,
January 22, 1876.

Mr. Speaker—I am directed by the Council to inform your honorable body that the Committee of Ways and Means have reported C. B. No. 37, An Act to amend sections 3 and 14 of an act providing for the collection of revenue, approved Jan. 12, 1872.

Mr. Tatem introduced C. B. No. 38, An Act to prevent the purchase and sale of votes.

That the Council have refused to concur in House amendments to C. B. No. 14.

That Mr. Lewis introduced C. J. R. No. 3, in relation to coal oil.

Also, C. J. R. No. 4, in relation to U. P. R. R.

That the following bills and joint resolutions have passed the Council, and are herewith transmitted to the House.

C. J. R. No. 3.

C. B. No. 30, An Act to amend section 1 of an act to amend section 7 of chapter 20 of an act entitled an act revising, reenacting and codifying the general and permanent laws of Montana Territory.

C. B. No. 31, A Bill to provide for the funding of the outstanding twelve per cent bonds of Jefferson county, Montana territory, and for other purposes.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

On motion of Mr. Word, the vote by which H. B. No. 26 was made the special order for this P. M., was reconsidered, and the bill re-committed to a select committee composed of the members from Madison county.

Mr. Carmichael, Chairman of the Committee on Enrollment, reported as follows.

MR. SPEAKER—Your Committee on Enrollment beg leave to report that H. B. No. 14, An Act to provide for the redemption of the funded debt of Missoula county, and to provide for the payment of the interest on the bonds of said county.

Also, H. B. No. 17, An Act to amend an act authorizing the county commissioners of the several counties to dispose of the surplus moneys in the different county funds, approved Feb. 13th, 1874.

Also, H. B. No. 18, An Act to repeal an act entitled an act defining the duties of Territorial Auditor.

Also, H. B. No. 19, An Act to provide for the payment of the indebtedness of Missoula county.

Also, H. B. No. 29, An Act relative to costs in divorce cases, were handed to the Governor at 4 o'clock P. M. on the 22d.

CARMICHAEL, *Chairman.*

Mr. Stuart reported as follows:

MR. SPEAKER—Your Committee on Towns and Counties, to whom was referred House Bill No. 44, An Act to prevent hogs from running at large, beg leave to report the same back, and recommend that it do pass.

STUART, *Chairman.*

Report received.

Also, as follows:

MR. SPEAKER—Your Committee on Towns and Counties, to whom was referred that portion of the Governor's message, have had the same under consideration, and beg leave to report that in their opinion the offices of probate judge and county superintendent of public instruction might be consolidated in all the counties; and that while further consolidation might be desirable and practicable in some of the more sparsely populated counties, yet it is difficult to legislate upon the subject and your committee would make no further recommendation on the subject.

STUART, *Chairman.*

Mr. Stuart reported as follows:

MR. SPEAKER—Your Committee on Judiciary, to whom was referred House Bill No. 23, An Act to protect game, furbearing animals and fish, beg leave to report the same back with the following amendments, to-wit:

Add after the word committed, at the end of section 3, the following: "And any person who shall at any time trap, shoot, or otherwise kill any beaver, in any field or other inclosure in this Territory, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the penalties above mentioned in this section."

Amend section 8 by adding after the word "Territory," in the last line of said section the following words: It shall however be lawful to use a seine in the Missouri and Jefferson rivers, and in the Beaver Head river up to Beaver Head rock, and in North Boulder creek for ten miles above its mouth;" and as thus amended recommend that the bill do pass.

STUART, *Judiciary.*

Mr. Curtis reported as follows:

MR. SPEAKER—Your Committee on Engrossment, to whom was referred H. B. No. 40, An Act to authorize the county commissioners of Missoula county to apply certain funds of said county for a specific purpose;

Also, H. B. No. 36, An Act to authorize the county commissioners of Meagher county to appoint a fire warden, and for other purposes, would respectfully report the same correctly engrossed.

CURTIS, *Chairman.*

Report received.

Also, as follows:

MR. SPEAKER—Your Committee on Engrossment, to whom was referred H. J. M. No. 1, respectfully report the same back correctly engrossed.

Report received.

MR. SPEAKER—Your Committee on Federal Relations, to whom was referred Council Jonit Memorial No. 2, beg leave to report the same back to the House with the following amemdments: After the word "territory," in line 22, page

6, add the following: "That your honorable bodies may have a reasonable conception of the amount of freight shipped up and down the Missiouri river during the boating season, we beg to submit the following table of statistics for the year 1875: Amount of freight shipped to Fort Benton, present head of navigation on the Missouri river, three thousand and twenty-six tons. Amount of freight shipped from Fort Benton, nine hundred tons. Amount of freight shipped to Carroll, a point about four hundred miles below Benton, on the Missouri river, twelve hundred tons. Amount of freight shipped from Carroll, five hundred tons."

With these amendments the committee recommend that the memorial do pass.

McCormick, *Chairman.*

Report received.

Mr. Stuart presented the following report from the Select Committee:

Mr. Speaker—Your Select Committee, composed of the delegations of Deer Lodge and Chouteau counties, to whom was referred House Bill No. 39, concerning counties and county boundaries, beg leave to report the same back to the House, and recommend that it do pass.

Stuart,
Burkett,
Beal,
Woodlock,
Ford.

Report received.

Mr. Carmichael presented the following majority report upon substitute to H. B. No. 25:

Mr. Speaker—Your Select Committee, to whom was referred substitute for H. B. No. 25, have had the same under consideration, and report it with amendments, and recommend that it pass, as amended.

Amend section 3 so as to read "the members of the Council shall be apportioned to the several counties of the territory as follows: The county of Madison, two members; the county of Beaverhead, one member; the county of Deer Lodge, three members; the county of Missoula, one member; the county of Lewis and Clarke, three members; the county of Jefferson, one member; the county of Gallatin, one member; the counties of Meagher and Chouteau, jointly, one member."

Amend section 4 so as to read: "Of the said members of the Council there shall be elected at the general election in the year one thousand eight hundred and seventy-six, in the county of Jefferson, one member; in the county of Deer Lodge, two members; in the counties of Meagher and Chouteau, jointly, one member.

Amend section 6 so as to read: "The members of the House of Representatives shall be apportioned to the several counties as follows: The county of Madison, four members; the county of Beaverhead, one member; the county of Deer Lodge, five members; the county of Missoula, two members; the county of Lewis and Clarke, six members; the county of Jefferson, two members; the county of Gallatin, two members; the county of Meagher, two members; the county of Chouteau, one member; the counties of Madison and Beaverhead, jointly, one member."

Amend section 1 by striking out the word "one" where it occurs in line 5, and insert "second" in lieu thereof.

A. CARMICHAEL, *Chairman.*

Report received.

Mr. Curtis presented the following minority report upon H. B. No. 25.

MR. SPEAKER—We, the undersigned, a minority of your Select Committee, to whom was referred substitute for House Bill No. 25, An Act apportioning the members of the Legislative Assembly of Montana, and prescribing the time of their election, have had the same under consideration and report as follows:

We find on comparing the votes cast at the last two elections, that although Missoula county may have one more member of the Assembly than she may be entitled to, and Lewis and Clark one and one-half members less, Deer Lodge one-half member less, and Beaverhead one-half member less, we believe it unnecessary to re-apportion the members of the Legislative Assembly at the present time, as a session of the same is purposed to be held in the year 1877, and immediately following the next general election, the votes cast at said election being the most proper basis from which to re-adjust the next apportionment. We therefore recommend that all that portion of the bill after section 1 be stricken out and the title of the bill be amended so as to read "an act to prescribe the time of the meeting of the next Legislative Assembly."

WORDEN,
CURTIS,
FORD,
MOORE.

Notice of the introduction of bills were given as follows, to-wit:

By Mr. McCormick: A Joint Memorial addressed to the Congress of the United States, asking an appropriation for the removal of certain obstructions in Clark's fork of the Columbia.

By Mr. Mead: A Bill for an act to provide for prosecuting attorneys for each of the several counties of the Territory.

Mr. Ford offered the following resolution, which was lost:

MR. SPEAKER—I move that the reports of your Select Committee on Apportionment, be re-committed to same committee, with instructions to give each and every county representation in both Houses, and apportion so that there shall be no joint members in either House, but give to the county which has the largest number of votes over and above the general average, the benefit of such representation.

R. S. FORD.

On motion of Mr. Sanders, the House insists upon its amendments to C. B. No. 14, and ask that a Conference Committee be appointed. The Speaker appointed Messrs. Sanders, Word, and Curtis as such committee on the part of the House.

The following message was received from the Council:

COUNCIL CHAMBER,
January 24, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body that the Council have appointed a committee of three, consisting of Messrs. Bass, Cullen, and Hays, to confer with the agents of the N. P. R. R. to obtain their proposition in detail, regarding the further construction of the N. P. R. R., and the Council request that a like committee be appointed by the House to act in conjunction with said Council committee.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

C. J. R. No. 3, relative to coal oil, was read first and second times and referred to the Committee on Ways and Means.

C. B. No. 31, A Bill to provide for the funding of the outstanding 12 per cent bonds of Jefferson county, Montana Territory, and for other purposes, read first and second times, and referred to the Committee on Ways and Means.

C. B. No. 30, An Act to amend section 1 of an act to amend section 7 of chapter 20 of an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, read first and second times and referred to the Committee on Towns and Counties.

Mr. Beal introduced H. B. No. 46, An Act to protect the citizens of the Territory of Montana from empiricism, and to elevate the standing of the medical profession.

Read first and second times and referred to the Committee on Education and Labor.

Mr. Chessman introduced H. B. No. 47, An Act to provide for the redemption of the funded debt of Lewis and Clarke county.

Read first and second times and referred to the Committee on Ways and Means.

Mr. Cave introduced H. B. No. 48, An Act for the protection of public bridges in the Territory of Montana.

Read first and second times and referred to the Committee on Roads and Highways.

H. B. No. 36, An Act authorizing the county commissioners of Meagher county to appoint a fire warden, and for other purposes.

On motion of Mr. Sanders the action of the House was reconsidered and the bill was recommitted to the Committee on Towns and Counties, with instructions to bring in a bill covering all the cities, towns and villages in the Territory not incorporated.

H. B. No. 40, An Act authorizing the county commissioners of Missoula county to apply certain funds of said county for a specific purpose.

Read third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, McCormick, McKnight, Olds, Reed, Rotwitt, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—24.

Nays—Sanders.

Absent—Mr. Moore, of Deer Lodge, on leave.

The title agreed to.

H. J. M. No. 1, to William W. Belknap, Secretary of the Department of War, was read the third time and passed.

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—25.

Nays—None.

Absent—Mr. Moore, of Deer Lodge.

The title was agreed to.

H. B. No. 23, An Act to protect game, fur-bearing animals and fish in the Territory of Montana.

On motion of Mr. Worden, the amendments offered by the Committee on Judiciary were adopted, and the bill as amended ordered engrossed for third reading.

Substitute for H. B. No. 25, An Act apportioning the members of the Legislative Assembly of Montana Territory and prescribing the time of their election, was taken up and Mr. Carmichael moved to adopt the amendments made by the majority of the Select Committee, upon which motion the ayes and nays were called.

Ayes—Beal, Carmichael, Chessman, Clewell, Kenneally, Mead, Olds, Rotwitt, Sanders, Stuart, Sweeney, Word—12.

Nays—Brooke, Burkett, Cave, Curtis, Ford, Moore, of Gallatin, McCormick, McKnight, Reed, Tierney, Woodlock, Worden and Mr. Speaker.—13.

Absent—Mr. Moore, of Deer Lodge.

And the motion was lost.

Mr. Reed moved to adopt the minority report.

Mr. Word moved to make the bill and minority report the special order for to-morrow at 3 o'clock P. M. Motion lost.

Mr. Wood moved to recommit to a select committee composed of one member from each county, with instructions to report to the House the official vote of each county in the year 1874 and in 1875, and also the representation in both Houses as it now stands, and the ratio of representation under the vote of 1874, as also under the vote of 1875, also the ratio of the two years combined.

Mr. McCormick moved to amend Mr. Word's motion by making the subject the special order of the House on February 8th.

Mr. Sanders moved to amend the amendment by striking out the words "February 8th" and inserting the words "January 26th at 3 o'clock P. M.," which motion carried.

Mr. Word's motion was then passed as amended, and the Speaker appointed Messrs. Word, Curtis, McKnight, Burkett, Worden, Tierney, Mead, Ford, Reed.

H. B. No. 39, An Act in relation to counties and county boundaries, was ordered engrossed for a third reading.

H. B. No. 44, An Act to prevent hogs from running at large.

Mr. Sanders moved to amend by inserting after the word "Missoula," the words "nor any other county of the Territory." Motion lost.

Mr. Mead moved to amend by exempting Bannock, Beaver Head county, from the provisions of the act. Motion lost.

Mr. Mead moved to indefinitely postpone the bill, which motion was lost.

Mr. Sanders moved to amend as follows: Nor shall it apply in the county of Lewis and Clarke except at Fort Shaw, Helena, and Valley Township.

Mr. Mead offered to amend the amendment as follows: Nor shall said act apply to the town of Bannock, in Beaver Head county.

Amendment adopted, and as amended the amendment was lost.

On motion of Mr. Sanders, the bill was made the special order for January 27, at 3:30 o'clock P. M., to be considered in Committee of the Whole.

C. J. M. No. 2, relative to the navigable waters of Montana, was amended, read the third time, and passed as amended by the following vote:

Ayes—Beal, Brooke, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, McCormick, Olds, Reed, Rotwitt, Stuart, Tierney, Woodlock, Word, Worden, and Mr. Speaker—20.

Nays—None.

The title was agreed to.

Mr. Ford moved to reject the request of the Council to appoint a committee of three to act with a like committee from the Council to confer with the agents of the N. P. R. R.

Motion prevailed.

Mr. Brooke moved to adjourn to 10 o'clock A. M. to-morrow, which motion was lost.

Mr. Reed moved to comply with the request of the Council, which motion carried.

Mr. Brooke moved to adjourn to 2 o'clock P. M. to-morrow, upon which motion the ayes and nays were called.

Ayes—Beal, Brooke, Burkett, Chessman, Clewell, Mead, McKnight, Olds, Sanders, Stuart, Word—11.

Those voting nay were—Cave, Carmichael, Curtis, Ford, Kenneally, Moore, of Gallatin, McCormick, Reed, Rotwitt, Sweeney, Tierney, Woodlock, Worden, Mr. Speaker—14.

And the motion was lost.

On motion of Mr. Ford, the vote by which the request of the Council to appoint a joint committee to confer with the agents of the N. P. R. R. was reconsidered.

On motion of Mr. Brooke, the House adjourned to 2 o'clock P. M. to-morrow.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 25, 1876.

The House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
Jan. 25, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body that the following bills have been introduced:

By Graham: C. B. No, 39, An Act to provide for a system of common schools.

By Hays: C. B. No. 40, An Act to amend section 1 of chapter 43 of an act entitled an act revising, re-enacting, and codifying the general and permanent laws of Montana Territory, approved Jan. 12, 1872.

That C. J. R. No. 5 has passed the Council and is herewith transmitted, and that the President has appointed, on the part of the Council, Messrs. Lewis, Allebaugh, and Hornbuckle, as the committee contemplated by said resolutions.

That the Council has appointed Messrs. Graham and Allebaugh a committee of conference on C. B. No. 14.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Also, the following:

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the following notices of the introduction of bills were given:

By Mr. Hays: An Act to amend section 1 of chapter 43 of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved Jan. 12, 1872.

Also: A Bill for the relief of Jno. C. Guy.

By Graham: A Bill to amend the school law of Montana Territory.

That Mr. Tatem moved that an assessment of fifty cents be laid upon each member in order to procure for the use of the Council some coal oil that will burn, which motion was adopted and the coal oil procured.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Mr. McCormick reported as follows:

MR. SPEAKER—Your Committee on Judiciary, to whom was referred H. B. No. 37, beg leave to report the same back with accompanying substitute, and recommend that the same do pass.

MCCORMICK,
Judiciary Committee.

Report received.

Mr. Curtis reported as follows:

MR. SPEAKER—Your Committee on Engrossment, to whom was referred H. B. No. 23, with amendments, respectfully report the same back correctly engrossed as amended.

Report received.

Also, as follows:

MR. SPEAKER—Your Committe of Ways and Means, to which was referred H. B. No. 47, A Bill for an act to provide for the redemption of the funded debt of Lewis and Clarke county, have had the same under consideration, and respectfully report the same back with the recommendation that it do pass.

CURTIS, *Chairman.*

Report received.

Also, as follows:

MR. SPEAKER—Your Committee on Engrossment, to which was referred H. B. No. 27, A Bill for an act to incorporate the town of Helena; also H. B. No. 39, An Act in relation to counties and county boundaries, would respectfully report the same back correctly engrossed.

CURTIS, *Chairman.*

Report received.

Also, as follows:

MR. SPEAKER—Your Committee of Ways and Means, to whom was referred C. J. R. No. 3, in relation to coal oil, have considered the same and respectfully recommend that it be indefinitely postponed.

CURTIS, *Chairman.*

Report received.

Also, as follows:

MR. SPEAKER—Your Committee of Ways and Means, to whom was referred C. B. No. 31, A Bill to provide for the funding of the outstanding twelve per cent bonds of Jefferson county, and for other purposes, have had the same under consideration and would respectfully recommend that it do pass.

CURTIS, *Chairman.*

Report received.

Mr. Stuart, chairman of the Committee on Towns and Counties, reported as follows:

MR. SPEAKER—Your Committee on Towns and Counties, to whom was referred House Bill No. 36, An Act to authorize the county commissioners of Meagher county to appoint a fire warden, and for other purposes, beg leave to report the same back with amendments, as instructed, to-wit: amend section 1 of said act so that it will read as follows:

Section 1. "That the county commissioners of every county of this Territory shall, upon petition from ten residents of any incorporated city, town or village in their respective counties, appoint a fire warden for said city, town or village, as the case may be, whose duty it shall be to examine all chimneys, stoves, stove-pipes, ovens, furnaces, boilers, and appurtenances thereto belonging."

Also amend section 2 so that the last four lines will read as follows: "All fines collected under the provisions of this act shall be paid into the county treasury for the use and benefit of the school district in which the person fined shall reside, and it shall be the duty of the court imposing said fine, to certify to the county treasurer the school district in which the person fined resides."

Stuart, *Chairman.*

Report received.

Mr. Beal, Chairman of the Committee on Education and Labor, reported as follows:

Mr. Speaker—Your Committee on Education and Labor, to whom was referred H. B. No. 46, An Act to protect the citizens of the Territory of Montana Territory from empiricism, and to elevate the standing of the medical profession, have had the same under consideration, and report the same back with the recommendation that it do pass.

Beal, *Chairman.*

Report received.

Mr. Word, Chairman of the Committee on Judiciary, reported as follows:

Mr. Speaker—Your Committee on Judiciary, to whom was referred H. B. No. 35, being a bill to amend section 286 of the Criminal Practice Act, beg leave to report the same back with the recommendation that the same pass, with the following amendment: Insert in 11th clause of section 1 of said act, after the word "evidence," the following: "*And if accepted will render such verdict.*"

Word, *Chairman.*

Report received.

Mr. Reed, Chairman of the Committee on Roads and Highways, reported as follows:

MR. SPEAKER—Your Committee on Roads and Highways, to whom was referred H. B. No. 48, having had the bill under consideration, beg leave to report the same back to the House, and respectfully recommend that the bill do pass.

REED, *Chairman.*

Report received.

Mr. Stuart, from the Judiciary Committee, reported as follows:

MR. SPEAKER—Your Committee, to whom was referred H. B. No. 45, for an act to amend section 47 of chapter 18 of the Codified Statutes in relation to corporations, beg leave to report the same back to the House, and recommend that it do pass.

STUART, *of Judiciary Committee.*

January 25, 1876.

Mr. Word reported as follows:

MR. SPEAKER—Your Committee on Judiciary, to whom was referred H. B. No. 22, An Act to amend chapter 17 of the Codified Statutes of Montana, beg leave to report the same back, and recommend that the bill be rejected.

WORD, *Chairman.*

Report received.

Also, as follows:

MR. SPEAKER—Your Committee on Judiciary, to whom was referred H. B. No. 30, An Act to amend section 630 of the Civil Practice Act concerning proceedings in probate courts, beg leave to report the same back to the House, with the recommendation that it pass.

WORD, *Chairman.*

Also, as follows:

Mr. Speaker—Your Committee on Judiciary, to whom was referred Council Bill No. 13, An Act to abolish private seals, beg leave to report the same back to the House, with the accompanying substitute, with the recommendation that the substitute be adopted in lieu thereof.

Word, *Chairman.*

Report received.

Also, as follows:

Mr. Speaker—Your Committee on Judiciary, to whom was referred H. B. No. 9, entitled A Bill for an act relative to records, beg leave to report the same back to the House, with the recommendation that it pass with the following amendments: Strike out the word "of" in the second line of section 2 of said act, and insert the word "to." Strike out the word "may" in the fourth line of the second section of said act, and insert instead the word "shall."

Word, *Chairman.*

Report received.

Also, as follows:

Mr. Speaker—Your Committe on Judiciary, to whom was referred H. B. No. 24, An Act to amend section 566 of the Civil Practice Act, beg leave to report the same back to the House with the recommendation that it pass with the following amendment:

Insert after the word "peace," in the sixth line of section 1 of said act, the words "*in civil cases.*"

Word, *Chairman.*

Report received.

Mr. Sanders, from the Committee on Judiciary, reported as follows:

Mr. Speaker—The Committee on Judiciary, to which was referred H. B. No. 42, An Act to amend section 1 of an act entitled An Act to establish and regulate the fees of assessors, coroners, and other officers in the Territory of Montana, approved May 2, 1873, has had the same under consideration, and has instructed me to report the same back with the accompanying substitute, with the recommendation that the substitute do pass.

W. F. SANDERS, *of the Committee on Judiciary.*

Report received.

Mr. Brooke, Chairman of the Committee on Grazing and Stock Growing, reported as follows:

MR. SPEAKER—Your Committee, to whom was referred Council Bill No. 2, have duly considered the same, and beg leave to return the same back to the House, with the following substitute, and recommend that it do pass.

BROOKE, *Chairman.*

Also, as follows:

MR. SPEAKER—Your Committee, to whom was referred H. B. No. 34, have had the same under consideration and herewith return the same to the House, recommending that the title be changed so as to read " An Act in relation to diseased animals;" and also recommend the accompanying amendment, and that section 4 be changed to section 5. With the amendment recommend it do pass.

BROOKE, *Chairman.*

Section 4. It shall be unlawful for the owner or owners, or for any person or persons having in charge any horse, mule, ass, or horned cattle affected with any contagious disease, to allow said diseased animal or animals to run on the public range.

All animals so affected with contagious disease shall be at once removed by the owner or owners thereof, or the person or persons in charge of the same, from the public range to some secure inside enclosure where contact with other animals by reaching over or through the fence of said enclosure, will be impossible, or shall be strictly herded six miles away from any farm, or from any other stock running at large or being herded.

Every person who shall knowingly neglect or refuse to remove, or so enclose or herd away from farms or other stock, such diseased animals affected with contagious disease, shall be liable to be arrested, and on conviction thereof before any court of competent jurisdiction, shall be fined in any sum not less than fifty dollars, and not more than five hundred dollars, and shall also be liable for damages to the party or parties injured by such diseased animals running at large after having received notice of their diseased condition.

Provided, That this act shall not be so construed as to prevent owners of diseased animals from traveling over the main thoroughfares that pass through narrow canons.

Report received.

Notices of the introduction of bills were given as follows:

By McKnight: An Act to create the new county of Dearborn.

By Burkett: A Bill to regulate the grade of teachers' certificates, and to provide for teachers' institutes.

By Mr. Sweeney: An Act relative to mechanics' leins.

By Mr. Ford: A Bill to exempt from execution firearms in counties bordering on the Indian country.

On motion of Mr. Sanders, C. J. R. No. 5, relative to appointing a joint committee to examine the condition of the insane of this Territory, was passed.

Messrs. Beal, Rotwitt and Sweeney were appointed as such committee on the part of the House.

On motion of Mr. Burkett, the amendments as offered by the committee, to H. B. No. 34, were adopted and the bill ordered engrossed as amended for a third reading.

On motion of Mr. Stuart, the amendments to H. B. No. 24 were adopted and the bill ordered engrossed for a third reading as amended.

On motion of Mr. Sanders, H. B. No. 48 was recommitted to the Committee on Roads and Highways.

H. B. No. 37, An Act relative to taxing jury fees, was taken up, and Mr. Curtis moved that the substitute offered by the Judiciary Committee be rejected. Motion lost.

Mr. Carmichael moved to amend the substitute by striking out the word "five" where it occurs in the bill and inserting the word "ten" in lieu thereof. Motion carried.

The substitute was then adopted as amended.

Read first and second times and ordered engrossed for a third reading.

Mr. Curtis in the Chair.

The following communication was received from the Governor:

MONTANA TERRITORY,
EXECUTIVE DEPARTMENT,
HELENA, Jan. 25, 1876.

To the Legislative Assembly:—

I have the honor to submit to the Legislative Assembly a copy of a communication from the Hon. Commissioner of the General Land Office to Hon. Martin Maginnis, under date of January 4, 1876, suggesting the enactment of a statute making the width of lode claims uniform throughout the Territory. I respectfully recommend that the suggestion of the Hon.

Commissioner be adopted by the Legislative Assembly, and that a statute making the width of lode claims uniform throughout the Territory be enacted.

Very Respectfully,
B. F. POTTS, *Governor.*

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C., Jan. 4, 1876.

Hon. Martin Maginnis, House of Representatives—

SIR: Referring to your recent personal call, I have to state that the congressional mining act does not fix the width of surface ground which may be located with a lode claim. It simply provides that a claim located after May 10, 1872, shall not extend more than three hundred feet on each side of the middle of the vein at the surface, and that it shall not be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights, exisiting on May 10, 1872, render such limitation necessary.

The Territorial act of Montana of Dec. 26, 1864, which provided that a location might embrace fifty feet on each side of the lode, was repealed on May 8, 1873, and since last date, to wit: May 8, 1873, there has been no general act in said Territory regulating the width of lode claims.

As the congressional enactment does not fix the width of a lode claim, but leaves this question to be determined by the local laws, rules and customs in force where the claim is situate, subject to the provisions named in the 2d section of the act, the width is determined by the customs and rules of miners in the several mining districts in the absence of a State or Territorial law establishing the width.

In many of the States and Territories the width of lode claims is determined by a general law in force in such States or Territories, while in others this question is determined by the district laws of the several mining districts.

Should the Legislature of Montana establish a uniform width throughout the entire Territory which might be taken and claimed with a lode or vein, much litigation would be avoided, and parties who desire to secure patents for their claims would have less difficulty in proving their right of possession to the premises for which they seek patents.

Very Respectfully,
Your Ob'd't Serv't,
S. S. BURDETT, *Commissioner.*

On motion on Mr. Sanders, the communications were referred to the Committee on Mines and Minerals.

On motion of Mr. Sanders, the rules were suspended.

H. B. No. 47, An Act to provide for the redemption of the funded debt of Lewis and Clarke county, was considered engrossed, read a third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Speaker—23.

Nays—Ford, McCormick and Worden.

The title was agreed to.

Mr. Sanders offered an amendment to H. B. No. 9, and on motion the bill with the amendment was re-committed to the Committee on Judiciary.

On motion of Mr. McCormick, the rules were suspended, and H. B. No. 40, A Bill for an act to amend section 630 of the civil practice act, concerning proceedings in probate courts, was considered engrossed, read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Kenneally, Mead, Moore, of Deer Lodge, McCormick, Olds, Rotwitt, Sanders, Stuart, Tierney, Woodlock, Word, Worden, Speaker—19.

Those voting nay were—Messrs. Curtis, Ford, Moore, of Gallatin, Reed, Sweeney—5.

The title was agreed to.

H. B. No. 35, An Act to amend section 286 of the criminal practice act.

On motion, the amendments by the Judiciary Committee were adopted, and the bill ordered engrossed for third reading.

On motion of Mr. Sanders, H. B. No. 22, An Act to amend chapter 17 of the codified statutes was indefinitely postponed.

On motion of Mr. Brooke, the amendments reported by the Committee on Towns and Counties to H. B. No. 36, An Act to authorize the county commissioners of Meagher county to appoint a fire warden, and other purposes, were adopted, and the bill ordered engrossed for the third reading.

On motion of Mr. McCormick, H. B. No. 46, An Act to protect the citizens of the Territory of Montana from empiricism, and to elevate the standing of the medical profession, was considered engrossed, read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney; Tierney, Woodlock, Word, Worden, Speaker—25.

Nay—Mr. McCormick.

And the title of the bill was agreed to.

H. B. No. 45, An Act to amend an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana, was ordered engrossed for a third reading.

On motion of Mr. Sanders, the substitute for H. B. No. 42 was adopted, read first and second times and ordered printed.

On motion of Mr. Sweeney, H. B. No. 27, An Act to incorporate the town of Helena, was re-committed to a Select Committee composed of the members resident in Helena.

H. B. No. 23, An Act to protect game, fur-bearing animals and fish in the Territory of Montana, was read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Kenneally, Mead, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Woodlock, Word, Worden and Mr. Speaker —28.

Those voting nay were—Messrs. Ford, Moore, of Gallatin, and Tierney—3.

The title was agreed to.

H. B. No. 39, An Act in relation to counties and county boundaries, was read the third time and passed.

Those voting aye were—Messrs. Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—25.

Nays—None.

Absent—Mr. Sanders.

The title was agreed to.

Mr. Burkett in the Chair.

C. B. No. 31, A Bill to provide for the funding of the outstanding twelve per cent bonds of Jefferson county, Montana Territory, and for other purposes, was read the third time and passed.

Those voting aye were—Messrs. Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Rotwitt, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—23.

Absent—Messrs. McCormick, Sanders and Worden.

The title was agreed to.

On motion of Mr. Langhorne C. J. R. No. 3 was indefinitely postponed.

C. B. No. 13, An Act to abolish private seals, was taken up, and, on motion of Mr. McCormick, the substitute was adopted.

Read first and second times, and, on motion of Mr. Sanders, the substitute was considered engrossed, read the third time, and passed by the following vote:

Those voting aye were—Messrs. Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, and Worden—23.

Those voting nay were—Messrs. Mead, Word, and Mr. Speaker—3.

The title was agreed to.

C. B. No. 2, An Act to require butchers and slaughterers to give bonds and to keep a record of the animals purchased and slaughtered by them; the substitute was taken up.

Mr. Beal moved to amend by striking out the words "five beeves" and inserting "twelve beeves."

On motion, the substitute, with the amendments, were recommitted to the Committee on Grazing and Stock-growing.

Mr. Word moved to adjourn to 2 o'clock P. M. to-morrow, upon which motion the ayes and nays were called.

Those voting aye were—Messrs. Beal, Brooke, Burkett, Kenneally, Mead, Moore, of Deer Lodge, McCormick, McKnight, Reed, Rotwitt, Woodlock, Worden, and Mr. Speaker —13.

Those voting nay were—Messrs. Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Moore, of Gallatin, Olds, Sanders, Stuart, Sweeney, Tierney, and Word—13.

And the motion was lost.

Mr. Sanders asked the condition of C. B. No. 2.

And, on motion of Mr. McCormick, the House adjourned to 2 o'clock P. M. to-morrow.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

TWENTY-FOURTH DAY.

House of Representatives,
Helena, M. T., Jan. 26, 1876.

The House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Curtis, Chairman of the Committee on Engrossment, reported as follows:

Mr. Speaker—Your Committee on Engrossment, to whom was referred H. B. No. 24, An Act to amend section 656 of the Civil Practice Act, respectfully report the same back correctly engrossed.

Curtis, *Chairman.*

Report received.

Also, as follows, to-wit:

Mr. Speaker—Your Committee on Engrossment, to whom was referred House Bills Nos. 45, 34, 35 and 37, would respectfully report the same back correctly engrossed.

Curtis, *Chairman.*

Report received.

Also, as follows:

Mr. Speaker—Your Committee on Engrossment, to whom was referred H. B. No. 36, An Act to authorize the county commissioners of Meagher county to appoint a fire warden, and for other purposes, respectfully report the same back correctly engrossed.

CURTIS, *Chairman.*

Report received.

Mr. McCormick reported as follows:

MR. SPEAKER—Your Committee on Printing, to which was referred House Bill No. 38, beg leave to report the same back to the House correctly printed.

McCORMICK, *Chairman.*

Also, as follows:

MR. SPEAKER—Your Committee on Printing, to whom was referred House Bill No. 21, beg leave to report the same back to the House correctly printed.

McCORMICK, *Chairman.*

Report received.

Mr. Reed reported as follows:

MR. SPEAKER—Your Committee on Roads and Highways, to whom was re-committed H. B. No. 48, having had the same under consideration, beg leave to report the same back to the House with appended amendments, and your committee respectfully recommend that the bill, with amendments, pass.

REED, *Chairman.*

Section 3. It shall be the duty of the Board of County Commissioners to cause to be posted at each end of all bridges coming under the provisions of this act, notices setting forth substantially the provisions of this act.

Sec. 4. This act shall not apply to any bridge the span of which is less than forty feet.

Sec. 5. This act shall take effect and be in force from and after its passage.

Also, re-number the sections to correspond with the amendments.

Report received.

Mr. Olds, from the Committee on Printing, reported as follows:

Mr. Speaker—Your Committee on Printing beg leave to report that they have examined H. B. No. 33, and find it correctly printed.

Olds.

Report received.

Mr. Stuart reported as follows:

Mr. Speaker—Your Committee on Towns and Counties, to which was referred Council Bill No. 30, An Act to amend section 1 of an act to amend section 7 of chapter 20 of an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, which title might properly be simmered down into an act defining the boundaries of Meagher county, beg leave to report the same back to the House, with the recommendation that section 1 be amended after the words "Muscleshell river," in the twenty-fifth line, so as to read as follows: "To a point a little above the mouth of Dove-Tail creek, and due east of the mouth of Smith's river; thence due west to the middle of the main channel of the Missouri river, opposite to the mouth of Smith's river; thence up the middle of the main channel of the Missouri river to the place of beginning." And as thus amended would recommend that the bill do pass.

Stuart, *Chairman.*

January 26, 1876.

Report received.

Mr. Reed presented the following report:

Mr. Speaker—We, your Committee, to whom was re-committed substitute for C. B. No. 2, have duly considered the same, and return it back to the House with the following amendment: Strike out the word "July" in section 8, and insert "April" in lieu thereof. With this amendment we recommend that the subtitute do pass.

BROOKE,
REED,
ROTWITT,
MOORE,
FORD.

Report received.

Mr. Word, from the Select Committee, presented the following report:

MR. SPEAKER—Your Select Committee, to whom was referred substitute for House Bill No 25, An Act apportioning the members of the Legislative Assembly of Montana Territory, and prescribing the time of their election, with instructions, beg leave to report the bill back to the House, with the following data in response to instructions, and offer the following amendments, and that the minority report heretofore made be rejected.

Your Committee find from official returns that the vote of the several counties for the years 1874 and 1875, and the aggregate vote of the two years aforesaid is as follows:

	1874.	1875.	*Aggregate.*
Deer Lodge	1,655	1,549	3,204
Madison	1,436	1,208	2,644
Gallatin	647	548	1,195
Beaver Head	253	445	698
Jefferson	715	528	1,243
Meagher	590	384	974
Chouteau	191	203	394
Missoula	583	610	1,193
Lewis and Clarke	1,964	1,856	3,820

Your Committee find that the ratio of representation, based upon the aggregate vote of each county for the years 1874 and 1875, is for members of the Council, 1,180, and for members of the House, 590.

Also, that the ratio for Councilmen for 1874 is 616; for 1875 is 564; ratio for House in 1874 is 308; for 1875 is 282.

Your Committee find that the representation to which the several counties are entitled in the Legislative Assembly, whether the same is based upon the vote of 1874 or 1875, or the aggregate vote of both years, is, as near as may be ascertained, as follows: Deer Lodge is entitled to three members of the Council; Chouteau and Meagher are entitled to one member of the Council, jointly; Beaver Head is entitled to one member of the Council; Missoula is entitled to one member of the Council; Gallatin is entitled to one member of the Council; Madison is entitled to two members of the Council; Jefferson is entitled to one member of the Council; Lewis and Clarke is entitled to three members of the Council.

And that Deer Lodge is entitled to five members of the House; Chouteau to one member of the House; Beaver Head one member of the House; Missoula, two members of the House; Gallatin, two members of the House; Madison, four members of the House; Meagher, two members of the House; Jefferson, two members of the House; Lewis and Clarke, six members of the House; Madison and Beaver Head, jointly, to one member of the House. The foregoing representation is the same as contained in the substitute for House Bill No. 25, herewith reported back to the House, with the exception of amendments herewith reported.

A majority of your Committee would recommend that the bill pass with the following amendments:

Strike out of substitute the whole of lines 8 and 9 of section 3.

Strike out the word "*one*" in line 6 of section 4, and insert the word "*two*" in lieu thereof.

Strike out all of lines 7 and 8 in section 4.

Add to section 4 the following: "In the county of Madison, one member."

After word "*eight*" in line 3 of section 5, insert the following: "*And biennially thereafter.*"

Strike out the word "*one*" in line 6 in section 5, and insert the word "*three.*"

Add, after line 9 in section 5, the following: "*In the county of Jefferson, one member,*" and "*In the counties of Meagher and Choteau, jointly, one member.*"

Strike out the word "*two*," in line 5 of section 6, and insert the word "*one*."

Strike out all of lines 11 and 12 in section 6.

Strike out the word "one" in line 13 in section 6, and insert in lieu thereof the word "two."

Add to section 6 the following: "The counties of Madison and Beaver Head, jointly, one member."

Add to section 7 the following: "*And biennially thereafter.*"

Respectfully submitted,

SAMUEL WORD,
R. S. FORD,
W. E. TIERNEY.
C. MEAD.
J. C. BURKETT,
J. H. McKNIGHT.

Report received.

Mr. Worden presented the following minority report from the Select Committee:

We, the minority of your committee, who were appointed to report upon a former minority report of a committee on substitute for House Bill No. 25, An Act apportioning members of the Legislative Assembly, and prescribing the time of their election, believe the report herewith is substantially correct, as to the votes cast at the last two elections, nevertheless, we cannot see the necessity of re-apportioning the Territory until after the next election, believing that all sections are properly represented as the law now stands; we would therefore recommend the adoption of the former minority report.

CURTIS,
REED.
WORDEN.

Report received.

Mr. Word presented the following majority report from a Select Committee.

Mr. Speaker—The undersigned, members of Select Committee consisting of the members of the House from Madison county, to whom was re-committed House Bill No. 26, being An Act to provide for the funding of the debt of Madison county, beg leave to report the same back with the accompanying amendments which they recommend be adopted, and that the bill pass as amended.

Amend section 9 so that the same will read as follows:

Section 9. All holders of county warrants on the general fund of said county shall present the same to the board of county commissioners of said county, or file the same with the county clerk thereof, on or before the first day of April, A. D. 1876, for conversion into bonds under the provisions hereof; and in case any holder or holders of such county warrants shall fail to present their warrants to said commissioners, or file the same with the clerk of said county as herein provided, on or before the said first day of April, A. D. 1876, it shall be lawful for the said county commissioners at their discretion to issue and dispose of in the manner hereinafter provided, a sufficiency of the bonds authorized by this act to pay off said warrants, and shall out of the proceeds of such sale of bonds, cause the said warrants to be redeemed in the manner now provided under the general laws of the Territory, for the redemption of county warrants.

Add to sections 11 and 12 as follows.

Section 11. At any time ofter the warrants of said county shall have been converted into bonds under the provisions of this act, the county commissioners of said county shall ascertain that there has accumulated in the county treasury of said county, funds not appropriated by law; and not needed to meet the current expenses of the county, any sum of money exceeding one hundred dollars, it shall be lawful for the said commissioners to direct the treasurer of said county to purchase the bonds of said county to the extent of the funds so ascertained to be in the hands of said treasurer, and the said treasurer shall with such accumulated funds purchase bonds of said county, and shall report the same to said commissioners at his next settlement, and the said commissioners shall cancel the same as provided by law.

Sec. 12. The Treasurer of said county shall pay the interest as it falls due on the bonds herein authorized on the presentation to him of the proper coupon therefor, and all bonds and coupons which may be paid by the said County Treasurer shall be returned by said Treasurer to the Board of County Commissioners at his next settlement with them after such payment, and the said Commissioners shall cancel said bonds and coupons in the manner now provided by law for the cancellation of county warrants.

Change Sec. 11 to be Sec. 13, Sec. 12 to be Sec. 14, and Sec. 13 to be 15.

Notices of the introduction of bills were given as follows:

By Mr. McCormick: A Bill to aid and facilitate the construction of the Northern Pacific railroad to the eastern settlements of the Territory.

By Mr. Moore, of Deer Lodge: An Act to establish the fees of witnesses, jurors, and certain other officers of Montana Territory.

By Mr. Kenneally: An Act in relation to quartz claims.

By Mr. Worden: An Act for the protection of agricultural societies.

The following message was received from the Council:

COUNCIL CHAMBER,
Jan. 25, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that H. B. No. 15, An Act in relation to crimes and punishments, has passed the Council, and is herewith transmitted.

Jan. 26, 1876.

That Mr. Graham gave notice that he would introduce a bill to repeal Sec. 17 of the civil practice act passed by the Legislature of Montana Territory during the 8th regular session.

Very Respectfully,
HARVEY R. COMLY,
Chief Clerk.

H. B. No. 15 was ordered enrolled.

Mr. Mead introduced H. B. No. 49, A Bill for an act providing for a prosecuting attorney for each of the several counties of this Territory.

Read first and second times, and referred to the Committee on Printing.

Mr. Sanders introduced H. J. M. No. 2. Was read first and second times and referred to the Committee on Public Lands.

H. B. No. 24, A Bill for an act to amend Sec. 656 of the civil practice act. Read third time and passed by the following vote:

Ayes—Messrs. Beal, Brooke, Cave, Clewell, Mead, Moore, of Deer Lodge, McCormick, Olds, Rotwitt, Sanders, Stuart, Tierney, Word, and Mr. Speaker—14.

Those voting nay were—Messrs. Burkett, Carmichael, Chessman, Curtis, Ford, Kenneally, Moore, of Gallatin, McKnight, Reed, Sweeney, Woodlock, and Worden—12.

Title agreed to.

Mr. Moore, of Deer Lodge, moved that the vote by which H. B. No. 24 was passed be reconsidered, which motion was carried.

On motion of Mr. Moore, of Gallatin, H. B. No. 24 was laid on the table.

H. B. No. 36, An Act to authorize the county commissioners of Meagher county to appoint a fire warden, and for other purposes, read third time and passed.

Ayes—Messrs. Beal, Brooke, Cave, Carmichael, Chessman' Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—25.

On motion of Mr. Worden, the title of the bill was amended so as to read as follows: "An Act to provide for fire wardens in the Territory of Montana."

H. B. No. 34, An Act in relation to diseased animals, was read the third time and passed.

Ayes—Messrs. Beal, Brooke, Chessman, Clewell, Kenneally, Mead, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Woodlock, Word, and Mr. Speaker—18.

Those voting nay were—Messrs. Burkett, Cave, Carmichael, Curtis, Ford, Moore, of Gallatin, Tierney, and Worden—8.

Title agreed to.

H. B. No. 35, A Bill to amend section 286 of the criminal practice act, was read the third time and passed.

Ayes—Messrs. Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock' Worden, and Mr. Speaker—25.

Nays—Mr. Word—1.

The title was agreed to.

The following communication was received from the Secretary of Montana, through W. J. McCormick, Chairman of the Committee on Printing:

OFFICE OF SECRETARY OF MONTANA,
HELENA, Jan. 26, 1876.

Hon. W. J. McCormick, Chairman Committee on Printing, House of Representatives:

Sir—In reply to your communication of the 23d inst., received this A. M., I have to inform you that from my construction of instructions of the Treasury Department of the United States, I am not able to print the Auditor's and Treasurer's Reports, and therefore return the same to you.

I have the honor to be,
Your Ob'd't Servant,
J. E. CALLAWAY, *Secretary.*

On motion of Mr. Word, a committee of three was appointed to consult with the Secretary in regard to the printing of the Territorial Auditor's and Treasurer's Reports.

Messrs. Word, Sanders and McCormick were appointed said committee.

Mr. McCormick moved that H. B. No. 33 be now considered. Motion lost.

On motion of Mr. Word, H. B. No. 37 was recommitted to a select committee consisting of Messrs. Carmichael, Curtis, and Reed.

H. B. No. 45, An Act to amend an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, was taken up.

Mr. McCormick moved that the bill be recommitted, with instructions to strike out "thirty days" and insert "sixty days." Motion lost.

The bill was then read the third time and passed.

Ayes—Messrs. Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Sanders, Stuart, Tierney, Woodlock, Word, Worden, Speaker—21.

Those voting nay were—Messrs. Carmichael, Ford, McCormick, Rotwitt and Sweeney—5.

On motion of Mr. Carmichael, the title of the bill was amended so as to read as follows: A Bill for an act prescribing proof of existence of corporations.

Mr. McCormick moved to make H. B. No. 33 the special order for 4 to 5 o'clock this P. M., upon which motion the ayes and nays were called.

Ayes—Brooke, Cave, Curtis, Moore, of Gallatin, McCormick, Reed, Woodlock, Worden, Speaker—9.

Nays—Beal, Burkett, Carmichael, Chessman, Clewell, Ford, Kenneally, Mead, Moore, of Deer Lodge, McKnight, Olds, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Word—16.

And the motion was lost.

On motion of Mr. Burkett, H. B. No. 33 was made the special order for 2½ o'clock P. M. to-morrow, to be considered in Committee of the Whole.

Mr. McCormick moved that substitute for H. B. No. 25, with the majority and minority reports, be postponed to Jan. 29th.

Motion lost.

Mr. McCormick made the following motion:

I move to re-commit the bill to the Committee on Elections, with instructions to report a bill in conformity with the reports of majority and minority committees.

Which motion was lost.

On motion of Mr. Sanders, the following amendment to substitute for H. B. No. 25 was adopted:

I move to amend by striking out section 1 of substitute, and re-numbering subsequent sections accordingly.

On motion of Mr. Word, the majority report was adopted by the following vote:

Ayes—Beal, Burkett, Carmichael, Chessman, Clewel, Ford, Kenneally, Mead, Moore, of Deer Lodge, McKnight, Olds, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Word—17.

Those voting nay were—Brooke, Cave, Curtis, Moore, of Gallatin, McCormick, Reed, Woodlock, Worden and Mr. Speaker—9.

And the motion prevailed.

Mr. Sanders moved to adopt the amendments as recommended by the majority report.

Mr. McCormick moved to vote on the adoption of the amendments separately. Carried.

Mr. Sanders moved the previous question. Carried.

The amendments were then adopted separately, and the bill adopted as amended, and ordered engrossed for a third reading.

Mr. Moore, of Gallatin moved to adjourn to 2 o'clock P. M. to-morrow.

Motion lost.

Mr. Reed moved to adopt the amendment offered by the committee to C. B. No. 2.

The following message was received from the Council, through Mr. Comly, their Chief Clerk.

COUNCIL CHAMBER,
January 26, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that C. B. No. 16, An Act to provide for the funding of the outstanding indebtedness of Montana Territory, and the redemption of the twelve per cent bonds, has passed the Council, and is herewith transmitted.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Mr. Burkett moved that C. B. No. 2, with amendments, be indefinitely postponed.

Upon which motion the ayes and nays were called.

Those voting aye were—Beal, Burkett, Cave, Mead, Moore, of Deer Lodge, Stuart, Tierney, Woodlock, Word—9.

Those voting in the negative were—Brooke, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Moore, of Gallatin, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Sweeney, Worden, Speaker—17.

And the motion was lost.

On motion of Mr. Sanders, the vote by which the motion to indefinitely postpone C. B. No. 2 was lost, was re-considered.

Mr. Burkett then moved to indefinitely postpone C. B. No. 2, upon which motion the ayes and nays were called.

Those voting aye were—Beal, Burkett, Cave, Carmichael, Chessman, Clewell, Mead, Moore, of Deer Lodge, McKnight, Sanders, Stuart, Word, Worden—13.

Those voting nay were—Brooke, Curtis, Ford, Kenneally, Moore, of Gallatin, McCormick, Olds, Reed, Rotwitt, Sweeney, Tierney, Woodlock, Speaker—13.

And the motion was lost.

Substitute for C. B. No. 2 was ordered engrossed.

On motion of McCormick, the House adjourned to 2 o'clock P. M. to-morrow.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. Barret, *Chief Clerk.*

TWENTY-FIFTH DAY.

House of Representatives,
Helena, M. T., Jan. 27, 1876.

The House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Carmichael reported as follows:

Mr. Speaker—Your Committee on Enrollment beg leave to report H. B. No. 15, An Act in relation to crimes and punishments, correctly enrolled.

A. Carmichael, *Chairman.*

Report received.

Mr. Curtis reported as follows:

Mr. Speaker—Your Committee on Engrossment, to whom was referred H. B. No. 25 and C. B. No. 2, respectfully report the same back correctly engrossed.

Mr. Speaker announced that he had signed H. B. No. 15, An Act relating to crimes and punishments.

H. B. No. 26, An Act to provide for the funding of the debt of Madison county, was taken up, and, on motion of Mr. Word, the amendments offered by a majority of the Select Committee, were adopted, and the bill was ordered engrossed, as amended, for a third reading.

The House then resolved itself into Committe of the Whole to consider H. B. No. 33, An Act to provide for biennial elections in the Territory of Montana, Mr. Carmichael in the chair.

The House resumed, Mr. Speaker in the chair.

The following message was received:

Council Chamber,
Jan. 27, 1876.

Mr. Speaker—I am directed to inform your honorable body that C. B. No. 28, An Act making the Territorial Auditor *ex-officio* superintendent of public instructions has passed the Council, and is herewith transmitted.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

On motion of Mr. Burkett, the House took a recess until 7 o'clock P. M.

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7 o'clock P. M.—The House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Stuart moved a call of the House.

Roll called—absent, Messrs. Brooke, Burkett, and Kenneally.

The Sergeant-at-Arms was instructed to bring in the absentees.

Mr. Brooke reported in his seat.

On motion of Mr. Sweeney, the further call of the House was dispensed with.

Mr. Sanders moved to indefinitely postpone H. B. No. 44, which motion was lost.

The House then resolved itself into Committee of the Whole, to consider H. B. No. 44, Mr. Word in the chair.

The House resumed, Mr. Speaker in the chair.

Mr. Word, Chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER—Your Comittee of the Whole, to whom was referred H. B. No. 44, beg leave to report that it has had the same under consideration, and now report the same back to the House with the recommendation that it do pass.

WORD, *Chairman.*

The report was adopted and the bill ordered engrossed for a third reading:

Substitue for C. B. No. 2 was taken up and read for information, and by consent of the House, the clerk was authorized to erase the word "and" in line 6, section 1, and insert the word "or" in lieu thereof.

The bill was then read the third time and lost.

Ayes—Brooke, Ford, Moore, of Gallatin, McCormick, Olds, Reed, Rotwitt, Stuart, Sweeney, Tierney, Woodlock, and Mr. Speaker—12.

Nays—Beal, Cave, Carmichael, Chessman, Clewell, Curtis, Kenneally, Mead, Moore, of Deer Lodge, McKnight, Sanders, Word, and Worden—13.

Substitute for H. B. No. 25, An Act apportioning the members of the Legislative Assembly of Montana Territoy, and prescribing the time of their election, was read the third time and passed.

Ayes—Beal, Brooke, Carmichael, Chessman, Clewell, Ford, Kenneally, Mead, McCormick, McKnight, Olds, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Word—17.

Those voting nay were—Messrs. Cave, Curtis, Moore, of Gallatin, Moore, of Deer Lodge, Reed, Woodlock, Worden, and Mr. Speaker—8.

Mr. Curtis moved to amend the title so as to read as follows: An Act to cheat the counties of Jefferson and Gallatin out of their representation.

Motion lost.

The title was then agreed to.

H. Bill No. 38 was referred to the Committee on Grazing and Stock Growing.

C. B. No. 30, defining the boundaries of Meagher county, the amendments as offered by the Committee on Towns and Counties, was adopted.

On motion of Mr. Tierney, the bill was re-committed to the Committee on Towns and Counties.

H. B. No. 48, on motion of Mr. Reed, the amendments as recommended, were adopted, and bill ordered engrossed for a third reading.

H. B. No. 21 was ordered engrossed for a third reading.

Notices of the introduction of bills were given as follows:

By Mr. Brooke: A Bill to change the county seat of Jefferson county.

By Mr. McCormick: A Bill for an act concerning divorce.

Mr. Word gave notice that he would on to-morrow make a motion to reconsider the vote by which the substitute for C. B. No. 2 was lost.

On motion of Mr. Curtis, the House adjourned to 2 o'clock P. M. to-morrow.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, Montana, Jan. 28, 1876.

The House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Brooke presented a petition from certain citizens of Jefferson county praying for the re-location of the county seat.

Read and referred to the Committee on Towns and Counties.

Mr. Curtis presented the following report:

MR. SPEAKER—Your Committee on Engrossment, to whom was referred H. Bs. Nos. 26 to 48 and substitute for H. B. No. 21, report the same correctly engrossed.

CURTIS, *Chairman.*

Report received.

Mr. Carmichael reported as follows:

MR. SPEAKER—Your Committee of the Whole House, to whom was referred H. B. No. 33, An Act to provide for biennial elections, have instructed the Chairman to report progress and ask leave to sit again.

CARMICHAEL, *Chairman.*

Report received.

Mr. McCormick reported as follows:

Mr. Speaker—Your Committee on Printing, to which was referred H. B. No. 16, being an act to provide for the appointment of county assessors, beg leave to report the same back, correctly printed.

McCormick, *Chairman.*

Report received.

Mr. Moore, of Gallatin, reported as follows:

Mr. Speaker—Your Committee to whom was referred House Joint Memorial No. 2, after having had the same under consideration, ask leave to report the same back to the House, recommending that it do pass.

Moore, *Chairman.*

Report received.

Mr. Carmichael reported as follows:

Mr. Speaker—Your Select Committee to whom was referred substitute for H. B. No. 37, have had the same under consideration, and report it back, recommending that it do pass.

A. Carmichael,
Curtis,
Reed.

Report received.

Mr. Stuart reported as follows:

Mr. Speaker—Your Special Committee on Towns and Counties, to whom was recommitted Council Bill No. 30, An Act to amend sec. 1 of an act to amend sec. 7 of chapter twenty of an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, beg leave to report the same back, with the following amendment, to-wit: Strike out all of section 1 after the words, "Muscleshell river," in the twenty-fifth line, and insert in lieu thereof the following words: "To a point due east of the mouth of Smith's river, thence due west along the southern boundary line of Chouteau county to the middle of the main channel of the Missouri river, opposite the mouth of Smith's river, thence up the middle of the main channel of the Missouri river to the place of beginning," and as thus amended recommend that the bill do pass.

STUART, *Chairman.*

Report received.

Notice of the introduction of bills were given as follows:

By Mr. Curtis: A Bill for an act to amend an act entitled an act to prevent swine from running at large.

By Mr. Burkett: A Bill for an act relative to removing the seat of government of the Territory of Montana.

Also, An Act relative to taxing dogs.

By Mr. Ford: A Bill giving justices of the peace and probate judges certain powers in certain cases.

The following communication was received from the Council through Mr. Comly, their Chief Clerk:

COUNCIL CHAMBER,
January 27, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body that the following notices of the introduction of bills have been given:

By Cullen: An Act to amend an act in relation to counties and county officers, approved July 12, 1872.

By Bass: A Bill to aid in the construction of the Northern Pacific railroad.

That Graham introduced C. B. No. 41, An Act to repeal section 17 of the Civil Practice Act, passed by the 8th regular session of the Legislature of Montana.

Hays introduced C. B. No. 42, An Act to amend chapter 41 (entitled "Limitations,") of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved Jan. 12, 1872.

Committee on Mines and Minerals reported C. B. No. 43, An act defining the length and width of vein or lode quartz claims in the Territory on Montana.

That C. B. No. 18, An Act to prohibit the traffic in intoxicating liquors on Sundays and general election days, has been lost.

That C. B. No. 35 has passed the Council, and is herewith transmitted.

That C. B. No. 22, An Act to authorize the Governor to contract for the hire of labor of Territorial convicts, has been indefinitely postponed.

Respectfully,

HARVEY R. COMLY.

C. B. No. 16, An Act to provide for the funding of the outstanding indebtedness of Montana Territory, and the redemption of the twelve per cent bonds; read first and second times and, on motion of Mr. McCormick, was amended as follows: Amend by inserting after the words Territorial Treasurer wherever they occur, the following, "or such other person as may be designated by law to perform the duties of said Treasurer."

The bill was then referred to the Committee on Ways and Means.

C. B. No. 28, An Act making the territorial auditor *ex-officio* superintendent of public instruction, read first and second times, and referred to the Committee on Education and Labor.

C. B. No. 35, An Act concerning notaries public, read first and second times, and referred to the Committee on Judiciary.

Previous notice having been given, the following bills were introduced:

By Mr. Curtis: H. B. No. 50, A Bill for an act to facilitate matrimony.

Read first and second times.

Mr. Beal moved to refer to the Committee on Internal Improvement, which motion was lost.

Mr. McCormick moved that the rules be suspended and the bill be considered engrossed, read the third time and passed, which motion was lost.

On motion of Mr. Curtis, the bill was referred to the Committee on Grazing and Stock Growing.

Mr. Carmichael reported as follows:

Mr. Speaker—Your Committee on Enrollment report that they handed H. B. No. 15 to the Governor at 2:45 P. M. of this date.

CARMICHAEL, *Chairman.*

Mr. Word introduced H. B. No. 51, An Act concerning judgments in justices' courts.

Read first and second times, and referred to the Committee on Judiciary.

By Mr. McCormick: H. B. No. 52, An Act concerning divorce.

Read first and second times, and ordered printed.

By. Mr. McKnight: H. B. No. 53, An Act to create the new county of Dearborn, was read first and second times, and referred to a select Committee composed of the members of Lewis and Clarke, Meagher, Missoula, and Chouteau counties.

By Mr. Worden: H. B. No. 54, An Act to protect agricultural societies.

Read first and second times, and referred to the Committee on Agriculture and Manufactures.

By Mr. Moore, of Deer Lodge, H. B. No. 55, An Act to amend sections 1 and 2 of an act entitled an act to establish and regulate the fees of witnesses, jurors and certain officers of Montana Territory, approved April 29, 1873.

Read first and second times, and referred to the Committee on Judiciary.

By Mr. Brooke: H. B. No. 56, A Bill for an act to authorize the citizens of Jefferson county to change the county seat of said county, from Radersburg to Jefferson City.

Read first and second times, and referred to a Select Committee composed of the members of Jefferson county.

On motion of Mr. Word, H. B. No. 26 was re-committed to the Committee on Engrossment, with instructions to insert the enacting clause in the bill.

Mr. Sanders, from the Committe on Judiciary, reported as follows:

MR. SPEAKER—Your Committee on Judiciary, to which was referred H. B. No. 9, A Bill for an act relative to records, with the amendments, have had the same, with the proposed amendments, under consideration, and while the committee approves of the legislation in the proposed amendments set forth, it is nevertheless of the opinion that it should be in a separate bill. The committee has therefore instructed me to report back the bill, with the recommendation that it do pass, and the amendments with the recommendation that they be rejected. All of which is respectfully submitted.

W. F. SANDERS,
For the Committee on the Judiciary.

Report received.

Also, as follows:

MR. SPEAKER—Your Committee on Territorial Affairs, to which was referred C. B. No. 20, An Act in relation to the management of insane persons in Montana Territory, has had the same under consideration and have instructed me to report the same back, with the recommendation that it be amended by striking out of section 1 the words "in his opinion," where they consecutively occur, and that as so amended the bill do pass. All of which is respectfully submitted.

W. F. SANDERS, *Chairman.*

Report received.

Substitute H. B. No. 37, An Act to tax jury fees in civil actions, read for information.

Mr. Word moved the bill be re-committed to the Committee on Judiciary.

Mr. Curtis moved to lay that motion on the table. Lost.

Mr. Word's motion to re-commit was then adopted.

Mr. Curtis reported as follows:

MR. SPEAKER—Your Committee on Engrossment, to whom was referred H. B. No. 26, respectfully report the same back correctly engrossed.

CURTIS, *Chairman.*

Report received.

H. B. No. 16, An Act relating to counties and county officers, was ordered engrossed for third reading.

Substitute for H. B. No. 21, An Act to provide for the transfer of road moneys in certain cases to the benefit of the public schools, was read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—25.

Nay—Mead.

The title agreed to.

H. B. No. 48, An Act for the protection of public bridges in the Territory of Montana, was read the third time, and passed by the following vote:

Ayes—Beal, Burkett, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Mead, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Stuart, Sweeney, Tierney, Woodlock, Word, Worden—21.

Nays—Brooke, Curtis, Moore, of Gallatin, Sanders, and Mr. Speaker.—5

The title was agreed to.

H. B. No. 26, An Act to provide for the funding of the debt of Madison county, was read for information.

Mr. Carmichael moved the adoption of the following amendment:

Amend section 1 by adding: *Provided*, That if any tax-payer or elector of said county shall bring an action in the district court of said county, which they are hereby authorized to bring, setting forth that any warrant of said county, or any series of warrants, are invalid and illegal, and were not issued under authority of law, such warrants shall not be funded until such litigation is finally and fully determined, that said warrants or series of warrants were issued by authority of law.

Motion lost by the following vote:

Those voting in the affirmative were—Brooke, Carmichael, Chessman, Clewell, Ford, Moore, of Gallatin, McKnight, Reed, Rotwitt, Sanders—10.

Those voting nay were—Beal, Burkett, Cave, Curtis, Kenneally, Mead, Moore, of Deer Lodge, McCormick, Olds, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—16.

Mr. Carmichael moved to re-commit to the Select Committee, with instructions to amend section 6, line 5, by striking out the word "ten," and insert the word "eight."

Motion lost.

The bill was then read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Deer Lodge, McCormick, McKnight, Olds, Sweeney, Tierney, Woodlock, Word, Worden—19.

Nays—Carmichael, Moore, of Gallatin, Reed, Rotwitt, Sanders, Stuart, and Mr. Speaker—7.

The title was agreed to.

On motion of Mr. Stuart, the House took a recess until 7 o'clock P. M.

7 o'clock P. M—The House resumed. Mr. Reed in the chair.

Roll called—quorum present.

Mr. Speaker in the chair.

Mr. Speaker announced that he had signed C. B. No. 31, and C. J. M. No. 2.

H. J. M. No. 2 was ordered engrossed for third reading.

H. B. No. 9 was ordered engrossed for third reading.

C. B. No. 20 was taken up, and on motion of Mr. Sanders, the amendments recommended by the committee were adopted.

On motion of Mr. Curtis, the bill as amended was re-committed to the Select Committee appointed to examine into the condition of the insane asylum, consisting of Beal, Rotwitt and Sweeney.

C. B. No. 30, An Act to amend section 1 of an act entitled an act to amend section 7 of chapter 20 of an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved February 13th, 1874.

On motion of Mr. Stuart amendments offered by the committee were adopted, and the bill adopted as amended, read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—26.

On motion of Mr. McCormick, the title was amended so as to read: A Bill for an act defining the boundary lines of Meagher county.

The title was agreed to as amended.

Leave being granted, Mr. Word, from the Committee on Judiciary, reported H. B. No. 57, An Act concerning motions, read first and second times, and referred to the Judiciary Committee.

Mr. McCormick reported substitute for H. B. No. 42 correctly printed.

On motion of Mr. Sanders, the following amendment was adopted to section 5 of H. B. No. 42.

Add to section 5 the following: *Provided*, That if the said bank or banking association shall, by its president, manager, or cashier show the aggregate amount of the deposits, and shall show that the said depositors or some one for them have paid the taxes thereon, or on some of such deposits, and shall then pay the taxes on the residue thereof, or give the amount of such deposits or residues to such assessor, to be assessed as the property of such bank, or banking association, and such president or cashier shall make oath that the same includes all of the deposits of such bank or association, then and in that case such assessor shall not be permitted to inspect the list of depositors, but this act shall not include government or municipal deposits.

Section 6. This act shall take effect and be in force from and after its passage.

The bill was adopted as amended, and ordered engrossed for third reading.

On motion, the House adjourned to 2 P. M. to-morrow.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

TWENTY-SEVENTH DAY.

House of Representatives,
Helena, M. T., Jan. 29, 1876.

The House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Curtis, Chairman of the Committee on Engrossment, reported as follows:

Mr. Speaker.—Your Committee on Engrossment, to whom was referred House Bills Nos. 2, 16, 42 and 9, would most respectfully report the same back correctly engrossed.

Curtis, *Chairman.*

Report received.

The following message was received from the Council:

Council Chamber,
January 28, 1876.

Mr. Speaker.—I am instructed by the Council to inform your honorable body that:

Mr. Bass introduced C. B. No. 44, An Act to aid in the construction of the Northern Pacific railroad.

Mr. Cullen introduced C. B. No. 45, An Act to amend an act in relation to counties and county officers, approved January 12th, 1872.

That C. B. No. 21, An Act providing for the foreclosure of chattel mortgages, has passed the Council.

That H. B. No. 36, An Act to provide for fire wardens in the Territory of Montana, has passed the Council.

That H. B. No. 6, An Act concerning affidavits, has passed the Council with amendments, and the last three bills are herewith transmitted.

That the following resolution has passed the Council:

Resolved, That this Council will not take any action on any H. B. which has been printed until we receive the printed copy, but that this shall only apply to subsequent bills.

Respectfully,
Harvey R. Comly,
Chief Clerk.

Mr. Brooke presented the following minority report upon H. B. No. 38:

Mr. Speaker—We, the undersigned, of your committee to whom was referred H. B. No. 38, have had the same under consderation and report the same back with the following amendment: Insert at the close of section 3 the following: "*Provided,* That when any *stock board* shall have notice of the ownership of any brand or brands of cattle that are or may be in their district, such stock shall not be taken in custody as estrays."

Also, strike out in section 7, line 20, all after the word "stock."

Also, all of lines 21, 22 and 23, and the word "charges" in line 24.

Also, strike out the word "sixty" in line 25, and insert the word "thirty" in lieu thereof.

And as so amended would recommend that the bill do pass.

Brooke,
Moore.

Report received.

Mr. Ford presented the following majority report:

Mr. Speaker—We, your committee, to whom was referred House Bill No. 38, An Act concerning live stock, have duly considered the same, and beg leave to offer the following substitue, as in our opinion it will better promote the interests of the stock growers of this Territory, and recommend its adoption.

R. S. Ford,
Rotwitt,
Reed.

Report received.

Mr. Word, Chairman of the Committee on Judiciary, reported as follows:

Mr. Speaker—Your Committee on Judiciary, to whom was referred H. B. No. 20, An Act prescribing the fees of the district clerks of the several counties of Montana, beg leave to report the same back with the accompanying substitute for same, and recommend that the substitute be adopted, and that it pass the House.

Word, *Chairman.*

Report received.

Also, as follows:

Mr. Speaker—Your Committee on Judiciary, to whom was referred House Bill No. 57, An Act concerning motions, beg leave to report the same back with the recommendation that it pass.

Word, *Chairman.*

Report received.

Also, as follows:

Mr. Speaker—Your Committee on Judiciary, to whom was referred H. B. No. 51, An Act concerning judgments in justices' courts, beg leave to report the same back with the recommendation that it pass.

Word, *Chairman.*

Report received.

Mr. Beal, Chairman of the Committee on Education, reported as follows:

Mr. Speaker—Your Committee on Education and Labor, to whom was referred C. B. No. 28, An Act making the Territorial Auditor *ex-officio* Superintendent of Public Instruction, would respectfully submit:

That, inasmuch as the Auditor, to be well qualified for his office, must necessarily be a man of good business qualifications, and especially a man of figures, while on the other hand the Superintendent of Public Instruction cannot possibly do justice to his important trust unless he is a man of considerable learning and culture, and that, inasmuch as the two offices, to be filled with the necessary ability, require such a great variety of diverse attainments, seldom found combined in one individual, therefore we, your committee, deem it our duty, in justice to the people of this Territory, and to the rising generation especially, to insist that the Superintendent of Public Instruction should be free from any influences foreign to his office as such Superintendent of Public Instruction, and therefore report the bill back, with the recommendation that it do not pass.

Beal,
Rotwitt,
Worden.

Notices of the introduction of bills were given as follows:

By Mr. Reed: A Bill to prohibit the sale of intoxicating drinks on Sundays and election days.

By Mr. Woodlock: An Act for the protection of miners.

By Mr. Stuart: A Bill for an act for the relief of Dr. H. A. Mitchell.

Also, A Bill for an act for the relief of H. A. D'Acheul.

Also, A Bill for an act for the relief of Jas. H. Mills.

Mr. Sweeney, from Select Committee, reported as follows:

Mr. Speaker—A majority of your Select Committe, to whom was recommitted H. B. No. 27, entitled, A Bill to incorporate the town of Helena, beg leave to report the same back to the House, with the recommendation that it be amended as follows, to-wit:

Amend section 3 of article 2 by striking out the words "be a freeholder and."

Amend section 9 of article 2 by inserting after the words United States, the words, "nor any county or territorial office."

Amend section 2 of article 4 by inserting between the words all and citizens the word "male."

Amend section 2 of article 5 by striking out all after the words treasurer and marshal, and inserting in lieu thereof the words "who shall be elected in the same manner as herein provided for election of mayor and aldermen whose term of office shall be one year, subject to removal as herein provided."

Amend section 6 of article 7 by striking out the words "freeholders and householders," and inserting, in lieu thereof, the words "qualified voters."

Amend section 13 of article 7 by inserting, between the words "lowest" and "bidder," the word "responsible;" also, strike out the last five words of said section, "where convenient so to do."

Amend section 19 of article 7 by striking out the word "fined," and inserting, in lieu thereof, the word "confined."

And your Committe recommend that, upon such amendments being made, the bill do pass.

Sweeney.

Report received.

On motion of Mr. Sanders, the following resolution was adopted:

Resolved, That this House will now proceed to elect a Messenger *pro tempore.*

On motion of Mr. Ford, Master Bennie Roberts was elected Page of this House by acclamation.

On motion of Mr. Word, the House refused to concur in the amendments of the Council to section 1, of H. B. No. 6.

On motion of Mr. Sanders, the House refused to concur in the Council amendments to section 2 of H. B. No. 6.

Mr. Sanders moved that the Council be requested to recede from their amendments to H. B. No. 6. Carried.

C. B. No. 21, An Act providing for the foreclosure of chattle mortgages, read first and second times, and Mr. Ford moved that the bill be referred to the Committee on Ways and Means, which motion was lost. The bill was then referred to the Committee on Judiciary.

Bills were introduced as follows:

By Curtis: H. B. No. 58, An Act to amend an act entitled an act to prevent swine from running at large. Read first and second times, and referred to the Committee on Grazing and Stock Growing.

By McCormick: H. B. No. 59, An Act to provide for the care, support and maintainance of the sick, poor and infirm, in the several counties. Read first and second times, and on motion of Mr. Sanders, the following amendment was adopted:

Add to sec. 9: "And such minor shall be permitted to attend school, if there is one kept in his or her district, for some period of time in each year, to be prescribed in the article of indentures, by the said board of county commissioners."

The Bill was then ordered printed.

By Burkett: H. B. No. 60, An Act relative to taxing dogs. Read first and second times and referred to the Committee on Ways and Means.

By Moore, of Deer Lodge: H. B. No. 61, An Act to authorize the courts of justices of the peace, and other courts, to require persons convicted of crime before them to give security to keep the peace. Read first and second times and referred to the Judiciary Committee.

By Kenneally: H. B. No. 62, An Act in relation to quartz claims. Read first and second times and referred to the Committee on Mines and Minerals.

By Mr. McCormick: H. J. M. No. 3, To the Senate and House of Representatives. Read first and second times and referred to the Committee on Federal Relations.

H. B. No. 16, An Act to provide for the appointment of county assessors. Read the third time, and lost by the following vote:

Ayes—Brook, Burkett, McCormick, Olds, Reed, Rotwitt, Sanders, Stuart, Word, Worden—10.

Nayes—Beal, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Sweeney, Tierney, Woodlock, Speaker—16.

On motion of Mr. Curtis, the vote by which H. B. No. 16 was lost was reconsidered. The Bill was then recommitted to the Committee on Ways and Means.

H. B. No. 9, An Act in relation to records, was read the third time and passed.

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—25.

Those voting nay—Mr. Moore, of Deer Lodge.

The Title was agreed to.

Substitute for H. B. No. 42, An Act to amend section 1 of an act to establish and regulate the fees of assessors, coroners and other officers in the Territory of Montana, approved May 2, 1873, was read the third time and passed.

Ayes—Beal, Brooke, Burkett, Carmichael, Clewell, Curtis, Ford, Kenneally, Moore, of Gallatin, McCormick, McKnight, Olds, Reed, Sanders, Stuart, Tierney, Woodlock, Word, Speaker—19.

Those voting nay were—Cave, Chessman, Mead, Moore, of Deer Lodge, Rotwitt, Sweeney, Worden—7.

On motion of Mr. Sanders, the title of the bill was amended so as to read: A Bill for an act to facilitate and enforce the performance of official duty.

The title was then agreed to as amended.

H. J. M. No. 2 was read the third time and passed by the following vote:

Ayes—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin; Moore of Deer Lodge; McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Woodlock, Word, Worden, Speaker—22.

Those voting nay were—McCormick, Sweeney and Tierney —3.

The title was agreed to.

H. B. No. 51 was ordered engrossed for third reading.

H. B. No. 57 was ordered engrossed for third reading.

Substitute for H. B. No. 20, An Act to regulate and establish the fees of the clerk of the district court, was adopted, read first and second times and ordered printed.

On motion of Mr. Word, the House adjourned to two o'clock P. M., on Monday.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Jan. 31st, 1876.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Mr. Curtis presented a petition of sundry citizens of Jefferson county praying aid to the North Pacific railroad company. Read and referred to the Committee on Roads and Highways.

Mr. Curtis reported as follows:

MR. SPEAKER—Yor Committee on Engrossment, to whom was referred House Bills Nos. 57 and 51, would most respect. fully report the same back correctly engrossed.

CURTIS, *Chairman.*

Report received.

Mr. McCormick reported as follows:

MR. SPEAKER—Your Committee on Federal Relations, to which was referred House Joint Memorial No. 3, beg leave to report the same back to the House, with the recommendation that it do pass.

McCORMICK, *Chairman.*

Report received.

Mr. Brooke presented the following report:

MR. SPEAKER—We, the undersigned, of your committee to whom was referred H. B. No. 58, have had the same under consideration, and beg leave to report the same back and recommend that it do pass.

BROOKE,
MOORE,
ROTWITT,
FORD.

Report received.

The following message was received from the Council.

COUNCIL CHAMBER,
January 29, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body that the following bills and joint resolution have been introduced:

By Lewis: C. B. No. 47, An Act to amend sections 244 and 247 of chapter 11 of the civil practice act.

By Walson: C. J. R. No. 6, in relation to printing.

By Hays: C. B. No. 46, A Bill for an act for the relief of Jno. C. Guy.

That the following bills have passed the Council, and are herewith transmitted:

H. B. No. 30.

C. B. No. 45, An Act to amend an act in relation to counties and county officers, approved Jan. 12, 1872.

C. B. No. 25, An Act abolishing the office of Territorial Treasurer, and providing for the appointment of a fiscal agent for the Territory of Montana.

C. B. No. 26, An Act to exempt woolen mills and their machinery from taxation.

Respectfully,
HARVEY R. COMLY.
Chief Clerk.

COUNCIL CHAMBER,
Jan. 31st, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that H. B. No. 25 has been indefinitely postponed, and that Mr. Cullen has given notice of a motion to re-consider the same.

That the following notices were given:

By Cullen: An Act concerning and defining tax deeds.
Also, A Bill for an act entitled an act to prevent double taxation.

By Lewis: An Act proposing aid to the United States government in making navigable the upper Missouri and Yellowstone rivers.

That the Council insists upon its amendments to H. B. No. 6.

That H. B. No. 40 has passed the Council, with amendments, and is herewith transmitted.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Mr. Reed asked further time to make a minority report upon H. B. No. 58.

Tho following message was received from the Governor:

MONTANA TERRITORY EX. DEP.,
HELENA, Jan. 31, 1876.

To the House of Representatives.

I have the honor to inform the House of Representatives that on the 24th day of January, A. D. 1876, I approved H. B. No. 14, entitled An Act to provide for the redemption of the funded debt of Missoula county, and to provide for the payment of the interest on the bonds of said county.

Also, on the same day I approved H. B. No. 17, entitled an act to amend an act authorizing the county commissioners of the several counties to dispose of their surplus moneys in the different county funds, approved February 13, 1874.

Also, on the same day, I approved H. B. No. 18, entitled an act defining the duties of Territorial Auditor.

Also, on the same day, I approved H. B. No. 19, entitled an act to provide for the payment of the indebtedness of Missoula county.

Also, on the same day, I approved H. B. No. 29, entitled an act relative to costs in divorce cases.

Also, on the 28th day of January, A. D. 1876, I approved H. B. No, 15, entitled an act in relation to crimes and punishments.

Very respectfully,
B. F. POTTS.
Governor.

Mr. Chessman presented the following report:

MR. SPEAKER—A majority of your Select Committee, to which was referred H. B. No. 27, A Bill for an act to incorporate the town of Helena, recommend that section 2 of article 4 be amended by inserting between the words "all" and "citizens," the word "male."

Also amend section 13 of article 7, by inserting between the words "lowest" and "bidders" the word "responsible;" also strike out the last five words of said section, being the words "when convenient to do so.

Also amend section 19 of article 7, by striking out the word "fined," and inserting the word "confined" in lieu thereof.

And that as so amended the bill do pass.

Wm. A. Chessman,
T. H. Clewell,
W. F. Sanders.

Report received.

The following notices were given:

By Mr. Mead: A Bill for an act prescribing the jurisdiction of the courts of this Territory in criminal cases.

Also, A Bill for an act governing the estates of, and the manner of service of summonses and other processes upon, Territorial convicts.

Also, A Bill for an act awarding and taxing costs in criminal cases.

By Mr. Carmichael: A Bill for an act to create the county of Grant.

H. B. No. 30 was ordered enrolled.

On motion of Mr. McCormick, the House concurred in Council amendments to H. B. No. 40, and the bill was ordered enrolled.

C. B. No. 25, An Act to abolish the office of territorial treasurer, and provide for the appointment of a fiscal agent for the Territory of Montana, read first and second times.

Mr. Carmichael moved to refer the bill to the Committee on Territorial Affairs.

Mr. McCormick moved to amend by referring to the Committee on Ways and Means, which motion was lost, and the bill was referred to the Committee on Territorial Affairs.

C. B. No. 26, An Act to exempt woolen mills and their machinery from taxation, read first and second times, and referred to the Committee on Agriculture and Manufactures.

C. B. No. 45, An Act to amend an act in relation to counties and county officers, approved January 12, 1872, read first and second times, and referred to the Committee on Towns and Counties.

On motion, Messrs. Sanders and Word were appointed as a committee of conference on the part of the House upon H. B. No. 6.

Mr. McCormick moved that the House go into Committee of the Whole to consider H. B. No. 33. Motion lost.

The following bills were introduced:

By Mr. Reed: H. B. No. 63, An Act to prohibit the sale of intoxicating drinks on Sundays and election days.

Read first and second times, and referred to the Committee on Elections.

By Mr. Sanders: H. B. No. 64, An Act for the relief of H. A. D'Acheul.

Read first and second times, and referred to a Select Committee of three, with instructions to report a state of facts. Messrs. Word, Stuart, and Ford were appointed such committee.

Also, H. B. No. 65, An Act to provide compensation to James H. Mills.

Read first and second times, and referred to a Select Committee of three, with instructions to report a state of facts.

Messrs. Word, Stuart, and Ford were appointed said committee.

Also, H. B. No. 66, An Act to provide compensation for Dr. A. H. Mitchell for certain medical service rendered the Territory.

Read first and second times, and referred to a Select Committee of three, consisting of Messrs. Word, Stuart, and Ford, with instructions to report a state of facts.

By Mr. Woodlock: H. B. No. 67, An Act to amend section 260 of an act entitled an act to regulate proceedings in the courts of justice of the Territory of Montana.

Read first and second times, and referred to the Committee on Judiciary.

Mr. McCormick moved that the House take up H. B. No. 33, to be considered in Committee of the Whole. Motion lost.

H. B. No. 57, An Act concerning motions, was read the third time and passed by the following vote:

Those voting aye were—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Reed, Rotwitt, Sanders, Stuart, Tierney, Woodlock, Word, Worden, and Mr. Speaker—22.

Nays—Carmichael, Olds, and Sweeney—3.

Absent—Mr. McKnight.

The title was agreed to.

H. B. No. 51, An Act concerning judgments in justices' courts, was read the third time and passed.

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, McCormick, McKnight, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—23.

Those voting nay were—Carmichael, Moore, of Deer Lodge, and Olds.

The title was agreed to.

H. J. M. No. 3 was ordered engrossed for a third reading.

Mr. Ford moved to adopt the majority report upon H. B. No. 38.

Mr. Brooke moved to adopt the minority report upon H. B. No. 38, which motion prevailed.

Mr. Moore, of Gallatin, moved to refer to a Select Committee of five.

Mr. Ford moved to amend by making the bill, with amendments, the special order for February 5.

Mr. Brooke moved to amend the amendment by making the bill the special order February 1, 1876, at 3 o'clock P. M., which motion was carried.

Mr. Carmichael in the chair.

Mr. Chessman moved to adopt the majority report upon H. B. No. 27, An Act to incorporate the town of Helena.

Mr. Sweeney moved to amend by adopting the minority report. Upon which motion the ayes and nays were called.

Those voting aye were—Burkett, Curtis, Ford, Kenneally, Mead, Moore, of Deer Lodge, McCormick, Rotwitt, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—13.

Those voting nay were—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Moore, of Gallatin, McKnight, Olds, Reed, Sanders, Stuart, and Worden—13.

And the motion was lost.

The vote was then taken upon Mr. Chessman's motion to adopt the majority report, which motion was lost by the following vote:

Ayes—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Moore, of Gallatin, McKnight, Olds, Reed, Sanders, Stuart, and Worden—13.

Nays—Burkett, Curtis, Ford, Kenneally, Mead, Moore, of Deer Lodge, McCormick, Rotwitt, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—13.

Mr. Sanders moved a call of the House.

Roll called—*Absent*, S. W. Langhorne.

Mr. Sanders moved to dispense with the call of the House. Motion lost.

Mr. Langhorne reported in his seat.

On motion of Mr. Sweeney, a further call of the House was dispensed with.

H. B. No. 27, An Act to incorporate the town of Helena, was read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Sanders, Sweeney, Word, Worden, Speaker—21.

Nays—Kenneally, Rotwitt, Tierney, and Woodlock—4.

Absent—Mr. Stuart.

The title was agreed to.

Mr. Reed moved that the House take a recess until 7 P. M. Motion lost.

Mr. Word moved that the House adjourn to 2 o'clock to-morrow, which motion was lost by the following vote:

Ayes—Messrs. Burkett, Curtis, Kenneally, McCormick, Sweeney, Woodlock, and Word—7.

Nays—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Ford, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Tierney, Worden, Speaker—19.

C. B. No. 28, An Act making the Territorial Auditor *ex-officio* Superintendent of Public Instruction, was read the third time.

Mr. Sanders moved the previous question, which motion was adopted by the following vote:

Ayes—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Worden, Speaker—20.

Those voting nay were—Burkett, Curtis, McCormick, Tierney, Woodlock, and Word—6.

Mr. Curtis moved to adjourn to 10 o'clock A. M. to-morrow, which motion was lost by the following vote:

Ayes—Burkett, Curtis, Ford, Kenneally, Mead, Moore, of Deer Lodge, McCormick, Sweeney, Tierney, Woodlock, Word—11.

Nays—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Moore, of Gallatin, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Worden, Speaker—15.

The vote was then taken upon the passage of C. B. No. 28.

Ayes—Brooke, Burkett, Ford, Kenneally, Mead, McCormick, Sweeney, Word—8.

Nays—Beal, Cave, Carmichael, Chessman, Clewell, Curtis, Moore, of Gallatin; Moore, of Deer Lodge; McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Tierney, Woodlock, Worden, Speaker—18.

And the bill was lost.

Mr. Rotwitt moved to reconsider the vote by which H. B. No. 28 was lost.

Mr. Sanders moved to lay that motion on the table, upon which motion the ayes and nays were called.

Those voting aye were—Beal, Cave, Carmichael, Chessman, Clewell, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Tierney, Worden—15.

Nays—Brooke, Burkett, Curtis, Ford, Kenneally, Mead, McCormick, Sweeney, Woodlock, Word, Speaker—11.

And the motion was adopted.

On motion of Mr. McCormick, the House took a recess to 7:30 o'clock P. M.

7 o'clock P. M.—the House resumed—Mr. Speaker in the Chair.

Roll called—members all present.

Mr. Speaker announced that he had signed C. J. Ms. Nos. 1 and 2.

On motion of Mr. McCormick, the House resolved itself into a Committee of the Whole to consider H. B. No. 33.

Mr. Carmichael in the chair.

The House resumed—Mr. Speaker in the chair.

Leave being granted, Mr. Carmichael introduced H. B. No. 68, An Act for the relief of minor heirs, in certain cases.

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. McKnight, the House adjourned to 2 o'clock P. M. to-morrow.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Feb. 1, 1876.

The House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Curtis presented a petition from citizens of Jefferson county remonstrating against the removal of the county seat.

Mr. Reed presented petitions from the citizens of Montana asking that a law be passed prohibiting the sale of intoxicating liquors on Sundays and election days.

Read and referred to the Committee on Elections.

The following communication was received from the Council:

COUNCIL CHAMBER,
January 31, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the following notices of the introduction of bills have been given:

By Cullen: An Act to amend an act entitled an act to regulate proceedings in civil cases in courts of justice of the Territory of Montana, approved Jan. 12, 1872, and for other purposes.

By Bass: A Bill to repeal section 5 of chapter 64 of general and miscellaneous laws, approved Jan. 10, 1872.

That Mr. Hornbuckle introduced C. B. No. 49, An Act to provide means to conduct a trans-continental railroad via the principal commercial counties of the Territory of Montana, and for other purposes, which bill, after its first reading, was rejected.

That H. B. No. 47 has passed the Council, with amendments.

That H. B. No. 23 has passed the Council, with amendments.

That H. B. No. 45 has passed the Council.

That H. B. No. 46 has passed the Council.

That C. B. No. 36 has passed the Council.

That the Clerk of the Council was instructed to inform the House that substitute for C. B. No. 13 has passed the Council, and has been referred to the Enrolling Committee of the Council.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

H. Bs. Nos. 45 and 46 were ordered enrolled.

Mr. Curtis, from the Committee on Engrossment, reported as follows:

MR. SPEAKER—Your Committee on Engrossment, to whom was referred H. J. M. No. 3, would most respectfully report report the same back correctly engrossed.

CURTIS, *Chairman.*

Mr. Stuart, Chairman of the Committee on Towns and Counties, reported as follows:

MR. SPEAKER—Your Committee on Towns and Counties, to whom was referred C. B. No. 45, An Act to authorize county commissioners to set apart a sinking fund to pay county bonds, have had the same under consideration, and beg leave to report it back to the House with the recommendation that it do pass.

STUART, *Chairman.*

Feb. 1, 1876.

Report received.

Mr. Curtis reported as follows:

MR. SPEAKER—Your Committee of Ways and Means, to whom was referred H. B. No. 60, respectfully report the same back to the House without recommendation.

CURTIS, *Chairman.*

Report received.

Mr. Curtis reported as follows from the Committee on Ways and Means:

Mr. Speaker—Your Committee of Ways and Means, to whom was referred C. B. No. 16, have had the same under consideration, and would recommend that it be amended in section 5 and line 3 so as to read "five hundred dollars, or so much thereof as may be necessary," and, as amended, recommend that it do pass.

Curtis, *Chairman.*

Report received.

Mr. Carmichael reported as follows:

Mr. Speaker—Your Committee on Enrollment have examined H. B. No. 38, An Act to amend section 630 of the civil practice act, concerning proceedings in probate courts; also, H. B. No. 36, an act to provide for fire wardens in the Territory of Montana; also, H. B. No. 40, an act authorizing the county commissioners of Missoula county to apply certain funds of said county for a specific purpose, and find them correctly enrolled.

Carmichael, *Chairman.*

Report received.

Mr. Reed made the following minority report upon H. B. No. 58:

Mr. Speaker—A minority of your Committee on Grazing and Stock Growing, to whom was referred H. B. No. 58, An Act to amend an act in relation to swine, beg leave to report unfavorably to the bill. The minority of your committee would respectfully represent that the present law establishing legal fences is such that fences built according to said law would not prevent hogs from running at will over the premises of any citizen, and that there is no considerable part of the year in which hogs cannot damage gardens, yards, meadows and stacks of hay, and also stacks of grain, where people are late about their threshing. The consequence of turning hogs at large, as proposed by the bill under consideration, in the opinion of the minority of your committee, would be to inflict great annoyance, injury and damage upon a majority of the people for the benefit of the few, and that it would lead to many neighborhood broils, and a great amount of litigation, and the minority of your committee respectfully recommend that H. B. No. 58 be rejected. REED.

Report received.

Mr. Word, of Select Committee, presented the following report:

MR. SPEAKER—Your Select Committee, to which was referred H. B. No. 64, for An Act for the relief of H. A. D'Acheul, and also, H. B. No. 65, for An Act to provide compensation to James H. Mills for certain printing done for the Territory, also, H. B. No. 66, for An Act to provide compensation to Dr. A. H. Mitchell, for certain medical services rendered to the Territory, have had the same under consideration, and beg leave to report them back to the House with the recommendation that they do pass.

SAMUEL WORD.
GRANVILLE STUART,
R. S. FORD.

Report received.

Mr. Brooke presented the following minority report:

MR. SPEAKER—The undersigned of your Select Committee, consisting of the Jefferson county delegation, to whom was referred H. B. No. 56, have had the same under advisement, and beg leave to report the same back to the House, and recommend that the same do pass.

Respectfully,
E. G. BROOKE.

Report received.

Mr. Curtis presented the following majority report:

MR. SPEAKER—A majority of your Select Committee of the members of Jefferson county, to whom was referred H. B. No. 56, and a petition of citizens of said county, would most respectfully report that in their judgment the law providing for the changing of county seats gives ample opportunity to the people of any county, when they desire to change their county seat, and that in our judgment, no special legislation is necessary, and recommend that H. B. No. 56 be indefinitely postponed.

CURTIS,
LANGHORNE.

Report received.

Mr. McKnight presented the following minority report:

MR. SPEAKER—We, the minority of your Special Committee ordered to report on House Bill No. 53, beg leave to report as follows:

The people of Sun river valley are badly located, the boundary line between Lewis and Clarke and Chouteau counties being Sun river. The county seat of Lewis and Clarke, Helena, being 85 miles distant, and Benton, the county seat of Chouteau, 60 miles distant. This division makes it impossible to support a good school in either district of Chouteau or Lewis and Clarke. They have so far received for school purposes in the Lewis and Clark district, the small sum of $350, and $162 for road purposes, this being the total amount received from Lewis and Clarke. They have but one school in a district with an assessment roll of over $200,000—one school house built by private subscription, and by the amount shown as having been received by them, it is readily seen how the one school must be supported, viz: by private subscription.

That portion of Deer Lodge county that the Legislature is now attaching to Chouteau county, lays so that Sun river would be the proper section to be attached to, the old agency being the nearest point to Benton, the county seat of Chouteau, which is 95 miles distant, and Sun river being only 35 miles.

That portion of Meagher county asked for is a small section below the base of the mountains, and some 50 miles from Diamond City, the county seat of Meagher. When the citizens of that section have business at their county seat during the winter months, they have to travel by way of Sun river and Helena, a distance of 300 miles, to the county seat and back, to say nothing of the time and expense.

What the people of the proposed county of Dearborn ask is that they be united in one county, as their interests are in common, and if their prayer is not granted their interests must materially suffer. We have petitions signed by 250 resident voters and tax-payers of that section embraced in the proposed new county, who are directly interested and who strenuously advocate this measure, and ask it as a matter of right and justice, and hope this Legislature will grant their prayer.

We also have a petition signed by over one hundred citizens of Helena who desire to have the Sun river portion detached from Lewis and Clarke county.

In consideration of the above facts, the majority of your Special Committee would respectfully recommend that the bill, with the following amendment, striking out the words "the South fork of the Dearborn river," and inserting in lieu thereof the words "the North fork of the Dearborn river," and as thus amended do recommend that the bill pass.

McKnight,
McCormick,
Cave,
Worden.

Report received.

Mr. Sanders reported the following majority report:

Mr. Speaker—A majority of your Select Committee, to which was referred H. B. No. 53, A Bill for an act to create the county of Dearborn, have had the said bill under consideration, and have examined the various questions presented by the proposed legislation, and recommend that the bill do not pass.

In justification of the foregoing recommendation a majority of your committee beg leave to call the attention of the House to the following facts:

The bill takes a large tract of unoccupied country from the counties of Deer Lodge and Missoula, being all of said counties lying east of the main chain of the Rocky mountains. It also takes a large tract of country from the county of Chouteau, a part of which is inhabited by permanent residents, but the larger portion of which is not so inhabited. The county of Chouteau as now organized, contains a smaller population than any other organized county in the Territory. It also takes from the county of Meagher the valley of Smith's river, or Deep creek, being a large and fertile valley, opposite Bird Tail rock, a valley covered with herds, and capable of sustaining at all seasons of the year many thousands of cattle. The region of country taken from Deer Lodge and Missoula is substantially uninhabited, save by the Piegan, Blood and Blackfoot tribes of the Blackfoot family. This portion of those two counties is remote from the settlements of the two counties named, distant from their county seat, of no especial value to them now, and its detachment does not seem to call for comment. It takes about two-thirds of the geographical area from the northern part of the county of Lewis and Clarke. As now organized, the county of Lewis and Clarke is the smallest in geographical area of any of the counties of the Territory. Much of the property consisting of flocks and herds within this part of the proposed county belongs to citizens who reside in the southern part of Lewis and Clarke county. It is used by them as a summer and winter grazing range for their cattle, and the question of geographical area is supplemented by the consideration of the unity of interest of the people. The assessed value of property within the limits of the proposed county of Dearborn is about $500,000. How much of this is the property of citizens who reside there, and how much belongs to residents of the other counties, it is difficult to state. Certainly a considerable portion of this property belongs to persons not resident in that region. But two objections to this bill seem to the undersigned unsurmountable. The population within the region sought to be erected into a new county is small, and the population sought to be taken from Chouteau will leave that county with a very small number of people. The burdens of a county organization will bear heavily on the people of both the new county and Chouteau.

It is not possible from existing data to determine the exact population of the county of Chouteau, nor can we more than approximate the population of the proposed county of Dearborn. Chouteau has heretofore cast on one occasion about two hundred votes. Nearly fifty of these were cast within that portion sought to be detached from her and made part of the new county, leaving her about one hundred and fifty electors. At the election precincts within the proposed county there have never been three hundred (300) votes cast at any one election. If the bill should pass we would therefore have two counties, neither of which cast three hundred (300) votes. Chouteau would have two election precincts—Fort Benton and Twenty-eight Mile Springs. Dearborn would probably have four. These figures, which have not been materially varied, would indicate a population of about six hundred.

Are not the burdens of county organization too heavy to compel such small populations to bear? Such is the conclusion of the undersigned, and they therefore report the bill back, with the recommendation that it do not pass.

R. S. Ford,
Rotwitt,
W. E. Tierney,
T. H. Clewell,
Wm. A. Chessman,
J. M. Sweeney,
W. F. Sanders,
Of the Select Committee.

Report received.

Mr. Carmichael, Chairman of the Committee of the Whole, reported as follows:

Mr. Speaker—Your Committee of the Whole House, to whom was referred H. B. No. 23, an act to provide for biennial elections in the Territory of Montana, have had the same under consideration, and have instructed their chairman to report the bill back to the House with the following amendments, and recommend that it do pass as amended:

Amend section 1 by striking out the word "six" in line 14, and insert "three" in lieu thereof; also, by adding the following:

Provided further, That those who have declared their intention to become citizens, shall complete their naturalization within a period of three years from the date of filing their declarative intention, or they shall not be permitted to vote until admitted to citizenship.

Amend section 2 by adding, "and no person who cannot read and write the English language shall be permitted to vote at any election after the beginning of the year A. D. 1880. *Provided*, That no person who is, or shall become, a legal voter previous to the beginning of the year A. D. 1880, and that no person rendered physically incapable of reading or writing, or both, by disease, deformity or maiming, shall be prohibited from voting."

Amend section 15 by striking out the word "may" in line 2, and inserting "shall" in lieu thereof.

Amend section 28 by striking out the following: "And the Governor shall grant a certificate of election to the person having the highest number of votes, and shall also issue his proclamation declaring the election of such person;" and inserting: *Provided*, That in case the said Auditor and Treasurer cannot agree as to the number of votes that two or more persons are entitled to for delegate to Congress, then in that event the Governor shall decide who has the highest number of votes, and shall issue to such person under his hand and the seal of the Territory, countersigned by the Secretary.

Amend section 32 by striking out the word "five" in line 2, and insert "three" in lieu thereof. Also the word "twenty" in line 4, and insert "fifteen" in lieu thereof.

Amend section 37 by striking out the word "probate" in line 5, and insert "district" in lieu thereof.

Amend section 38 by striking out the words "probate court" in line 1, and inserting "district judge," also, the word "probate" in line 3, and inserting "district."

Amend section 39 by inserting between the words "all" and "county," the words "township and."

Amend section 40 by striking out the word "render" in line 5, and inserting "execute" in lieu thereof.

Amend section 47 by striking out the words "together with imprisonment," and insert "or imprisoned."

Amend section 51 by striking out the word "or" in line 1, and insert the words "or other officers" between the words "commissioner" and "who" in same line, also, strike out the word "imprisonment" in line 3, and insert "imprisoned;" also add sections 53, 54, 55, 56, 57, 58, 59, here, and make section 52, section 60, and section 53, section 61.

CARMICHAEL, *Chairman.*

Report received.

Mr. Speaker announced that he had signed House Bills Nos. 30, 36 and 40.

Mr. Word presented the following report from the Select Committee appointed to ascertain from the Secretary if he was empowered to print the Auditor's and Treasurer's reports:

MR. SPEAKER—Your Select Committee, appointed to wait upon the Secretary and ascertain if he was empowered and provided with funds to pay for the printing of the Auditor's and Treasurer's reports, beg leave to report that they have discharged that duty, and are informed by the Secretary that he is not provided by the government of the United States with money to pay for such printing for the use of the House at this session, and cannot have the same printed. In connection herewith, your committee desire to submit to the House the following extract from a communication of the Hon. Sol Star, Territorial Auditor, made to the legislative assembly, dated December 31st, 1876:

"In conclusion, I desire to state that, at the request of His Excellency, the Governor, I have deferred publishing the annual report, as required under section 1 of an act approved February 13, 1874, upon the Governor's representations to me that the Hon. Secretary of the Territory would, if requested, publish biennially the reports of the auditor and treasurer, at the expense of the United States. The Hon. Secretary readily complied with this request, and this report is published without cost to the Territory."

We also call the attention of the House to the message of the Governor, upon this subject.

Respectfully submitted.

SAMUEL WORD,
W. J. MCCORMICK,
W. F. SANDERS.

Report received.

Notices were given as follows:

By Mr. Tierney: A Bill for an act to provide for the redemption of the bonded debt of Meagher county.

By Mr. Mead: A Bill for an act to promote railroad communication to and in the Territory of Montana.

By Mr. Word: An Act for the relief of the people of the Territory of Montana.

By Mr. Beal: A Bill providing for the construction of an insane asylum.

By Mr. Burkett: A Bill for an act to require the probate judge to give bonds, in connection with his duties as trustee of of town sites.

By Mr. Moore, of Deer Lodge: A Memorial, asking the Senate and House of Representatives of the United States to repeal the mineral act, of 1872, so far as that act relates to placer mines in the Territory of Montana.

The House then resolved into Committee of the Whole, to consider H. B. No. 38.

Mr. McCormick in the Chair.

The House resumed, Mr. Speaker in the Chair.

The Speaker announced that he had signed H. B. No. 13.

On motion of Mr. Mead, the House took a recess until 7 o'clock P. M.

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7 o'clock P. M.—The House resumed.

Mr. Speaker in the Chair.

Roll called—members all present.

On motion of Mr. Sanders, the House concurred in Council amendments to H. B. No. 47.

On motion of Mr. Stuart, the House concurred in Council amendments to H. B. No. 23.

On motion of Mr. Sanders, the House adjourned to 2 o'clock P. M. to-morrow.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Feb. 2d, 1876.

The House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—all present.

Journal of yesterday read and approved.

C. B. No. 36, An Act concerning chattel mortgages, was read first and second times and referred to Committee on Judiciary.

Mr. Carmichael reported as follows:

Mr. Speaker—Your Committee on Enrollment report that they have handed to the Governor, at 3:15 o'clock on February 1st, H. B. No. 30, An Act to amend section 630 of the civil practice act, concerning proceedings in probate court; also, H. B. No. 36, An Act to provide for fire wardens in the Territory of Montana; also, H. B. No. 40, An Act authorizing the county commissioners of Missoula county to apply certain funds of said county for specific purposes.

Carmichael, *Chairman.*

Also, as follows:

Mr. Speaker—Your Committee on Enrollment have examined H. B. No. 45, An Act to amend an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory; also, H. B. No. 46, An Act to protect the citizens of the Territory of Montana from empiricism and to elevate the standing of the medical profession, and find the same correctly enrolled.

Carmichael, *Chairman.*

Reports received.

The following bills were introduced;

By Mr. Mead: H. B. No. 69, A Bill for an act regulating costs in criminal cases; read first and second times and referred to the Committee on Judiciary.

The Speaker announced that he had signed H. Bs. Nos. 45 and 46.

Mr. Mead also introduced H. B. No. 70, A Bill relating to the estates of and the manner of the service of process upon Territorial convicts.

Read first and second times and referred to the Committee on Judiciary.

Also H. B. No. 71, A Bill for an act prescribing the jurisdiction of courts in criminal cases.

Read first and second times and referred to the Judiciary Committee.

By Mr. Burkett: H. B. No. 72, An Act to create a lawful fence; read first and second times and referred to the Committee on Grazing and Stock Growing.

The following message was received from the Council:

COUNCIL CHAMBER,
Feb. 1st, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the following bills have passed the Council, and are herewith transmitted:

C. B. No. 37, C. B. No. 38, and H. J. M. No. 1.

That the motion to reconsider the vote by which H. B. No. 25 was indefinitely postponed was laid on the table, and that the bill is herewith transmitted.

That the following bills have been introduced:

By Cullen; C. B. No. 50, An Act to prevent double taxation, Also, C. B. No. 51, An Act concerning and defining tax deeds.

By Abascal: C. B. No. 52, An Act in relation to the sale of real estate and easements under orders of sale or executions.

By Lewis: C. B. No. 53, An Act proposing aid to the U. S. Government in making navigable the upper Missouri and Yellowstone rivers.

Respectfully,
HARVEY R. COMLY.
Chief Clerk.

H. J. M. No. 3 was read the third time and passed by the following vote:

Ayes—Beal, Brooke, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—24.

Nays—Burkett.

Absent—Mr, Carmichael.

Title agreed to.

H. B. No. 56, to re-locate the county seat of Jefferson county, was taken up.

Mr. Burkett moved to adopt the majority report.

Mr. Brooke moved to amend by adopting the minority report. Motion lost.

Mr. Burkett's motion to adopt the majority report was adopted.

On motion of Mr. Curtis, the bill was considered engrossed, read the third time, and lost by the following vote:

Ayes—Brooke, Chessman, Clewell, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Reed, Rotwitt, Sanders, Woodlock, Worden—12.

The nays were—Beal, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Olds, Stuart, Sweeney, Tierney, Word, Speaker—13.

Absent, Mr. Carmichael.

H. B. No. 58 was taken up.

Mr. Burkett moved to adopt the majority report.

Mr. Moore, of Gallatin, moved to adopt the minority report, which motion was adopted. The bill was then read the third time and lost by the following vote:

Ayes—Beal, Carmichael, Clewell, Curtis, Ford, and Woodlock—6.

Nays—Brooke, Burkett, Cave, Chessman, Kennelly, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Word, Worden, Speaker—20.

H. B. No. 60, An Act relative to dogs, was taken up, and Mr. Cave moved to strike out all after the enacting clause, which motion was lost.

Mr. Sanders moved to insert after the word "bitch" the words sheep, cow, horse, mule, jenny, and ox. Lost.

Mr. Reed moved to strike out "three," and insert two.

On motion of Mr. Ford, the bill with amendments was indefinitely postponed.

H. Bills Nos. 64 and 65 were ordered engrossed.

H. B. 66 was taken up, and Mr. Sanders moved to strike out the words "and fifty," where they occur. Upon which motion the ayes and nays were called.

Ayes—Cave, Carmichael, Chessman, Clewell, Ford, Mead, Moore, of Gallatin, Olds, Reed, Sanders, Tierney, Worden, Speaker—13.

Nays—Beal, Brooke, Burkett, Curtis, Kenneally, Moore, of Deer Lodge, McCormick, McKnight, Rotwitt, Stuart, Sweeney, Woodlock, Word—13.

And the motion was lost.

The bill was then ordered engrossed for third reading.

Mr. Carmichael reported as follows, from the Committee on Enrollment:

MR. SPEAKER—Your Committee on Enrollment report that they have handed to the Governor H. B. No. 45, An Act to amend an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory; also, H. B. No. 46, An Act to protect the citizens of the Territory of Montana from empiricism, and elevate the standing of the medical profession, at 2:40 P. M. of this day.

CARMICHAEL, *Chairman.*

Report received.

The following communication was received from the Governor, through his private secretary, Mr. Cummins:

MONTANA TERRITORY,
EXECUTIVE DEPARTMENT,
HELENA, Feb. 2, 1876.

To the House of Representatives:

I have the honor to inform the House of Representatives that I have this day approved H. B. No. 40, entitled, An Act authorizing the county commissioners of Missoula county to apply certain funds of said county for a specific purpose.

Also, H. B. No. 30, entitled, An Act to amend section 630 of the civil practice act concerning proceedings in the probate court.

Also, H. B. No. 36, entitled, An Act to provide for fire wardens in the Territory of Montana.

Very Respectfully,
B. F. POTTS, *Governor.*

On motion of Mr. Sanders, the majority report upon H. B. No. 53, An Act to create the new county of Dearborn, was adopted.

Mr. McKnight offered the following amendment to H. B. No. 53: Strike out the words "South fork" and insert "North fork." Motion carried.

The bill was then ordered engrossed for third reading.

C. B. No. 16, An Act to provide for the funding of the outstanding indebtedness of Montana Territory, and the redemption of the twelve per cent bonds.

Report adopted.

On motion of Mr. Sanders, the word "weekly" in section 3, line 5, was stricken out and the word "daily" inserted.

The bill was then read the third time and passed as amended by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Worden, Speaker—25.

Nays—None.

Absent—Mr. Word.

Title agreed to.

C. B. No. 45, An Act to amend an act in relation to counties and county officers, approved Jan. 12th, 1872, was read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—25.

Nay—Mr. Curtis.

The title was agreed to.

H. B. No. 33 was taken up, and Mr. Curtis moved to refer the bill to a select committee of five. Motion lost.

On motion of Mr. McCormick, the House took a recess until 7½ o'clock this P. M.

7½ o'clock—The House resumed.

Mr. Speaker in the Chair.

Roll called—members all present.

The following communication was received from the Council:

COUNCIL CHAMBER,
February 2, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body, that H. B. No. 48 and H. B. No. 51 have passed the Council.

That H. J. M. No. 2 has been lost in the Council on third reading.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

H. Bs. Nos. 48 and 51 were ordered enrolled.

Mr. Carmichael reported as follows:

MR. SPEAKER—Your Committee on Enrollment have examined H. B. No. 47, An Act to provide for the funded debt of Lewis and Clarke county, and find the same correctly enrolled.

CARMICHAEL, *Chairman.*

Report received.

Mr. Ford gave notice that he would on to-morrow move to reconsider the vote by which H. B. No. 56 was lost.

H. B. No. 33 was taken up.

Mr. Sanders moved to defer the consideration of sections 1 and 2 until the remainder of the bill was considered. Motion lost.

On motion of Mr. McCormick, the word "six" was stricken out and the word "three" inserted in lieu thereof.

Mr. Sanders moved to amend by adding to section 1 the following:

"*Provided further*, That those who have declared their intention to become citizens shall complete their naturalization within the period of three years from the date of filing their declarative intention, or they shall not be permitted to vote until admitted to citizenship."

Upon which motion the ayes and nays were called.

Ayes—Beal, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Deer Lodge, McCormick, Olds, Stuart, Sweeney, Tierney, Woodlock, and Word—14.

Nays—Brooke, Carmichael, Chessman, Clewell, Moore, of Gallatin, McKnight, Reed, Rotwitt, Sanders, Worden, and Mr. Speaker—11.

And the amendment was rejected.

Mr. Reed offered the following amendment to section 2:

Add "And no person who cannot read and write the English language shall be permitted to vote at any election after the beginning of the year 1880: *Provided*, That no person who is, or shall become, a legal voter previous to the beginning of the year A. D. 1880, and that no person rendered physically incapable of reading or writing, or both, by disease, deformity, or maiming, shall be prohibited from voting.

On motion of Mr. Mead, the amendment was rejected by the following vote:

Ayes—Beal, Brooke, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—18.

Nays — Carmichael, Chessman, Clewell, Reed, Rotwitt, Sanders, and Worden—7.

Absent—Mr. Burkett.

Mr. McCormick moved to amend as follows: Add after the word "assembly," in line 5, "and all district officers shall be made to the Governor of the Teritory."

Adopted.

Section 15, in line 2, was amended by striking out the word "may" and inserting "shall."

Section 28 was amended by striking out the following: "And the Governor shall grant a certificate of election to the person having the highest number of votes, and shall also issue his proclamation declaring the election of such person," and insert "*Provided*, That in case the said Auditor and Treasurer cannot agree as to number of votes that two or more persons are entitled to for delegate to congress, then, and in that event, the Governor shall decide who has the highest number of votes, and shall issue a certificate of election to such person under his hand and the seal of the Territory, countersigned by the secretary."

Amend section 32 by striking out the word "five" in line 2, and insert "three" in lieu thereof. Also, the word "twenty" in line 4, and insert "fifteen" in lieu thereof.

Amend section 37 by striking out the word "probate" in line five. and insert "district" in lieu thereof.

Amend section 38 by striking out "probate court" in line 1, and inserting "district judge." Also, the word "probate" in line 3, and insert "district."

Amend section 39 by inserting between "all" and "county," the words "township and."

Amend section 40 by striking out the word "render" in line 5, and inserting "execute" in lieu thereof. Also, in line 2 insert the word "district" after the word "territory."

Amend section 47, by striking out the words "together with imprisonment," and insert "or imprisoned."

Amend section 51 by striking out the word "or" in line 1, and insert the words "or other officers" between the words "commissioner" and "who" in the same line. Also, strike out the word "imprisonment," and insert "imprisoned." Also, add sections 53, 54, 55, 56, 57, 58 and 59, and make section 52 section 60, and section 53 section 61.

Mr. Carmichael moved to strike out in line 1, section 1, the word "male" where it occurs.

Upon which motion the ayes and nays were called.

Ayes—Carmichael, Chessman, Ford, Olds, Reed, Rotwitt, Sanders, Tierney, and Mr. Speaker—9.

Those voting nay were—Beal, Brooke, Cave, Clewell, Curtis, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Stuart, Sweeney, Woodlock, Word, and Worden—16.

On motion of Mr. McCormick, the bill was ordered engrossed, as amended, for a third reading.

Mr. Word moved to adjourn to 2 o'clock P. M. to-morrow.

Motion lost.

Mr. Curtis reported as follows:

MR. SPEAKER.—Your Committee of Ways and Means, to whom was referred substitute for H. B. No. 16, would most respectfully report back to the House a substitute for the same, and recommend that it do pass the House.

CURTIS, *Chairman.*

Report received.

Mr. Curtis also reported as follows:

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred House Bill 43, An Act concerning licenses, beg leave to report the same back to the House, and recommend that it pass with the following amendments:

Amend section 1 of the bill by inserting in the first blank in clause 4th, the words "seventy-five dollars," and in the second blank the words "twenty dollars."

Add the following sections to said bill:

Section 2. Section 9 of an act concerning licenses, approved May 8th, 1873, is hereby amended so as to read as follows:

Section 9. That every traveling merchant, hawker or peddler, who shall carry a pack or trunk, and shall sell goods, wares or merchandise, shall pay a license of twelve dollars per quarter; if he travel with a wagon or other vehicle, and sell goods, wares or merchandise, he shall pay a license of twenty dollars per quarter for each wagon or vehicle; if he travel with a pack animal, and sell goods, wares or merchandise, he shall pay a license of fifteen dollars per quarter for each pack animal. *Provided*, That no license shall be required to be paid by any person who sells any production of this Territory raised or manufactured by himself.

Section 3. That section 17 of an act concerning licenses, approved May 8th, 1873, be amended so as to read as follows:

Section 17. Every person who shall carry on the gift-lottery or prize distribution business within this territory shall pay a license therefor, of fifty dollars per quarter.

That section 2 of this bill, herewith reported, be stricken out, and the following inserted.

Section 4. All acts and parts of acts in conflict with this act are hereby repealed.

That section 3 of this bill be numbered section 5.

OTHO CURTIS, *Chairman.*

Report received.

Mr. Beal reported as follows:

MR. SPEAKER—Your Committee, to whom was referred C. B. No. 20, an act in relation to the insane persons in the Territory of Montana, have had the same under consideration, and recommend that it do pass as amended.

BEAL, *Chairman.*

Report received.

Mr. Reed reported as follows:

Mr. Speaker—Your Committee on Roads and Highways, to whom was re-committed H. B. No. 1, beg leave to report the same back to the House accompanied by a substitute, the passage of which is respectfully recommended.

Reed, *Chairman.*

Report received.

Mr. McCormick reported as follows:

Mr. Speaker—Your Committee on printing, to which was referred substitute for House Bill No. 20, An Act to regulate the fees of clerk of the district court, beg leave to report the same back to the House correctly printed.

McCormick, *Chairman.*

Report received.

Mr. Kenneally reported as follows:

Mr. Speaker—Your Committee on mines and minerals, to whom was referred H. B. No. 62, in relation to quartz claims, beg leave to report as follows, to wit:

Amend section 3 by striking out the words "as also two," in line eight, and insert the words "and not more than three" in lieu thereof, also insert after the word "feet," "and not less than twenty-five feet."

Also, amend by inserting the following as section 4: "All lode claims, heretofore discovered and recorded pursuant to law, the possessory title to which shall have been preserved according to law, shall entitle the owner or owners thereof to surface ground along the course of the vein three hundred feet on each side, from the center of said vein; *Provided,* That such width shall not be permitted to interfere with any vested or possessory rights of any person or persons, corporation or corporations, which have intervened and have been preserved to the time of the taking effect of this act; but parties desiring to avail themselves hereof shall so signify by a record, which shall show that they so elect, or, if they so desire, they may limit the surface ground on each side of the center of the vein to any width not less than twenty-five feet."

And, also: By re-numbering the ensuing sections, and recommend that the bill as amended do pass.

D. KENNEALLY, *Chairman.*

Report received.

Mr. Sweeney, from the Committee on Agriculture, reported as follows:

MR. SPEAKER—Your Committee, to whom was referred C. B. No. 26, An Act to exempt woolen mills and their machinery from taxation, beg leave to report as follows: While your committee are of the opinion that such a manufactory would be of vast importance to our Territory, yet we believe that the enterprise would be a paying one beyond a doubt, but in the opinion of your committee, it would be a bad precedent to establish, as other enterprises of a similar nature present themselves almost daily, equally worthy of attention. Your Committee would therefore report the bill back with the recommendation that it do not pass.

SWEENEY, *Chairman.*

Report received.

Mr. McCormick reported as follows:

MR. SPEAKER—The Committee on Printing, to which was referred H. B. No. 49, An Act in relation to county attorneys, beg leave to report the same back, correctly printed, except a single error in line 7, of section 6 of said act, wherein the word "then" appears in place of the word "shall."

McCORMICK, *Chairman.*

Report received.

On motion of Mr. McCormick, the House adjourned to 2 P. M. to-morrow.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

THIRTY-SECOND DAY.

House of Representatives,
Helena, M. T., Feb. 3, 1876.

The House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following communication was received from the Council:

Council Chamber,
Feb. 3, 1876.

Mr. Speaker—I am directed by the Council to inform your honorable body that the following bills have passed the Council:

H. B. No. 42, with amendments; H. B. 39; H. B. 9, with amendments; also, C. B. No. 47, title amended to read, An Act to amend sections 244 and 247 of the civil practice act.

That Mr. Graham introduced C. B. No. 54, An Act to protect the county treasury.

Respectfully,
Harvey R. Comly,
Chief Clerk.

On motion of Mr. Sanders, the vote by which C. B. No. 16 was passed was reconsidered.

C. B. No. 16 was then referred to the Committee on Ways and Means.

Mr. Worden, from the Committee on Engrossment, reported H. Bs. 65 and 66 correctly engrossed.

Mr. Mead made the following minority report:

MR. SPEAKER—A minority of your Committee on Elections, to which was referred H. B. No. 63, having considered the same, report the same back with the recommendation that the same do not pass.

MEAD.

Report received.

Mr. Cave presented the following majority report:

MR. SPEAKER—A majority of your Committee to whom was referred H. B. No. 63, A Bill to prohibit the sale of intoxicating liquors on Sundays and election days, having had the same under consideration, beg leave to report the same back to the House, with the recommendation that it do pass.

CAVE,
CLEWELL.

Report received.

Mr. McCormick reported as follows:

MR. SPEAKER—Your Committee on Printing, to which was referred H. B. No. 59, An Act to provide for the support, care, and maintainance of the county sick and poor, beg leave to report the same back to the House, correctly printed.

MCCORMICK.

Also, as follows:

MR. SPEAKER—Your Committee on Printing, to which was referred H. B. No. 52, An Act concerning divorce, beg leave to report the same back to the House, correctly printed.

MCCORMICK, *Chairman.*

Report received.

Mr. Word reported as follows:

Mr. Speaker—Your Committee on Judiciary, to whom was referred C. B. No. 35, being An Act concerning notaries public, beg leave to report the same back to the House with the recommendation that it do pass.

Word, *Chairman.*

Also, as follows:

Mr. Speaker—Your Committee on Judiciary, to whom was referred H. B. No. 7, being An Act concerning dower, beg leave to report the same back to the House with the recommendation that it do pass.

Word, *Chairman.*

Report received.

Mr. Curtis, from Select Committee, reported as follows:

Mr. Speaker—Your Select Committee, composed of the members from Jefferson county, to whom was referred H. B. No. 41, for the relief of D. H. Finebarger, treasurer of Jefferson county, would most respectfully report the same back to the House with the recommendation that it do pass.

Curtis,
Brooke,
Langhorne.

Report received.

Mr. Sweeney reported as follows:

Mr. Speaker—Your Committee to whom was referred H. B. No. 54, An Act to protect agricultural fair associations, have had the same under consideration, and beg leave to report the same back without recommendation.

Sweeney, *Chairman.*

Report received.

Notices of bills were given as follows:

By Mr. Ford: A Bill to provide for the construction of a railroad from the head of navigation of the Missouri river to Helena.

By Mr. Carmichael: An Act relating to the distribution of the laws of Montana Territory.

Mr. Ford moved that the vote by which H. B. No. 56 was lost be reconsidered.

Mr. Curtis moved to lay that motion on the table, upon which motion the ayes and nays were called.

Ayes—Beal, Burkett, Carmichael, Curtis, Kenneally, Moore, of Gallatin, Olds, Sweeney, Tierney, Word, Speaker—11.

Nays—Brooke, Cave, Chessman, Clewell, Ford, Mead, Moore, of Deer Lodge, McCormick, McKnight, Reed, Rotwitt, Sanders, Stuart, Woodlock, Worden—15.

And the motion was lost.

Mr. Ford's motion to reconsider was adopted by the following vote:

Ayes—Brooke, Cave, Chessman, Clewell, Ford, Mead, Moore, of Deer Lodge, McCormick, McKnight, Reed, Rotwitt, Sanders, Stuart, Woodlock, Worden--15.

Nays—Beal, Burkett, Carmichael, Curtis, Kenneally, Moore, of Gallatin, Olds, Sweeney, Tierney, Word, Speaker—11.

On motion of Mr. Word, the House refused to concur in Council amendments to H. B. No. 42, and ask the Council to recede.

On motion of Mr. Sanders, the House concurred in Council amendments to H. B. No. 9.

H. Bs. No. 39 and 9, and H. J. M. No. 1, were ordered enrolled.

C. B. No. 38, An Act to prevent the purchase and sale of votes, read first and second times, and referred to the Committee on Elections.

C. B. No. 37, An Act to amend sections 3 and 4 of an act providing for the collection of the revenue, read first time.

Mr. Sanders moved that the bill be rejected. Motion lost.

The Bill was then read the second time, and referred to the Committee on Ways and Means.

C. B. No. 47, An Act to amend sections 244 and 247 of chapter 11 of the civil practice act, Codified Laws of Monana Territory, read first and second times, and on motion of Mr. Word, the rules were suspended, and the bill passed to a third reading.

Mr. Sander moved to reconsider the vote by which C. B. No. 47 was passed to a third reading. Motion lost.

Mr. Sanders moved to commit to the Committee on Judiciary with instructions to strike out the words in section 1 where they occur, "Codified Laws of Montana Territory." Motion lost.

The Bill was then read the third time, and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Clewell, Curtis, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Olds, Reed, Rotwitt, Stuart, Sweeney, Tierney, Word, Worden, Speaker—19.

Nays—Carmichael, Chessman, Ford, McKnight, Sanders, Woodlock—6.

The Title was agreed to.

H. B. No. 49 was referred to the Judiciary Committee.

Bills were introduced as follows:

By Mr. Chessman: H. B. No. 73, An Act to provide for the formation of corporations other than those for pecuniary profit, read first and second times, and referred to the Committee on Incorporation.

By Mr. Sweeney: H. B. No. 74, An Act in relation to liens, read first and second times, and referred to Committee on Judiciary.

H. J. M. No. 4 was read first and second times, and referred to Committee on Federal Relations.

Mr. McCormick, Chairman Committee of the Whole, reported as follows:

MR. SPEAKER—As chairman of the Committee of the Whole on House Bill No. 38, I am instructed to report the same back to the House with the following amendments:

Amend section 2 by inserting after the word "year" in line 1 of section 2, the words "at the hour of 12 o'clock M." Also, add to section 2 the words "the place of meeting of the resident stock owners of each district shall be made known by three written notices thereof posted in each district, signed by at least five resident stock owners of said district." Also, substitute the following for section 4 of the bill: "The stock board may declare as estrays all cattle having neither marks or brands, except bulls, whose owners are known to them, and calves not over one year old, running with their mothers."

Also, amend section 4 by adding the following: "Upon the last day of the round-up therein provided for, all stock delared estrays under the provisions of this act shall be sold by said stock board to the highest bidder for cash, and the proceeds, after paying for the provisions furnished for the round-up as provided by this act, shall be paid into the county treasury for the benefit of the school district in which such stock are declared to be estrays."

Also, amend by adding after the word "belong" in section 8, line 7, "*Provided*, That all of the provisions of this act, except section 8, shall not be in force in the counties of Lewis and Clarke, Meagher, Chouteau, Gallatin, and Missoula: *And* *provided further*, That all that portion of Madison county lying east and south of the South Boulder, and lying east of the range of mountains dividing the waters of the Madison and Sticking Water rivers, be exempted from the provisions of this act, except section 8."

As thus amended the committee recommend that it pass.

McCORMICK, *Chairman.*

Report received.

H. B. No. 43, An Act concerning license, was taken up, and, on motion of Mr. Sanders, the amendments, as recommended by the committee, were adopted, and the bill ordered engrossed, as amended, for third reading.

Mr. McCormick in the chair.

Substitute for H. B. No. 16, An Act to provide for the election of assessors, was read first and second times.

On motion of Mr. Sanders, the clerk was instructed to fill the blank in section 2 with the word "February."

Mr. Curtis moved the rules be suspended, the bill considered engrossed, read the third time, and put upon its final passage.

Motion adopted.

The bill was then read the third time, and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Reed, Rotwitt, Sanders, Stuart, Tierney, Woodlock, Word, Worden, and Mr. Speaker—24.

Nay—Mr. Olds—1.

Absent—Mr. Sweeney—1.

The title was agreed to.

Mr. Read moved to adopt the substitute for H. B. No. 1.

Motion lost.

H. B. No. 1, An Act to amend an act entitled an act in relation to roads and highways, approved February 12, 1874, on motion of Mr. Mead, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote:

Ayes—Beal, Brooke, Carmichael, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Rotwitt, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—19.

Nays—Burkett, Cave, Chessman, Reed, and Worden—5.

Absent—Mr. Sanders.

The title was agreed to.

Substitute H. B. No. 20 was ordered engrossed for third reading.

On motion of Mr. Chessman, H. B. No. 62, An Act relative to quartz claims, was taken up and the amendments reported by the committee adopted, and the bill was then ordered engrossed for third reading.

H. B. No. 54, An Act to protect agricultural societies, was taken up, and, on motion of Mr. Beal, the rules were suspended, and bill considered engrossed, read third time, and passed.

Ayes—Beal, Brooke, Cave, Carmichel, Chessman, Clewell, Ford, Kenneally, McCormick, Reed, Sanders, Stuart, Woodlock, and Worden—14.

Nays—Burkett, Curtis, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Rotwitt, Sweeney, Tierney, Word, and Mr. Speaker—12.

Title agreed to.

H. B. No. 52, An Act concerning divorce, was referred to the Judiciary Committee.

H. B. No. 63, An Act prohibiting the sale of intoxicating drinks on Sundays and election days, was taken up, and Mr. Langhorne moved to adopt the majority report of the Committee on Elections.

Mr. Curtis moved to amend by inserting "minority" in lieu of "majority," which motion was lost by the following vote:

Ayes—Burkett, Carmichael, Curtis, Kenneally, Mead, Moore, of Deer Lodge, Olds, Rotwitt, Sweeney, Tierney, and Woodlock—11.

Nays—Beal, Brooke, Cave, Chessman, Clewell, Ford, Moore, of Gallatin, McCormick, McKnight, Reed, Sanders, Stuart, Word, Worden, and Mr. Speaker—15.

Mr. Langhorne's motion to adopt the majority report was then adopted by the following vote:

Ayes—Beal, Brooke, Cave, Chessman, Clewell, Ford, Moore, of Gallatin, McCormick, McKnight, Reed, Sanders, Stuart, Word, Worden, Speaker—15.

Nays—Burkett, Carmichael, Curtis, Kenneally, Mead, Moore, of Deer Lodge, Olds, Rotwitt, Sweeney, Tierney, Woodlock—11.

Mr. Mead moved to strike out all after the enacting clause, which motion was lost by the following vote:

Ayes—Burkett, Carmichael, Curtis, Kenneally, Mead, Moore, of Deer Lodge, Olds, Rotwitt, Tierney, Woodlock—10.

Nays—Beal, Brooke, Cave, Chessman, Clewell, Ford, Moore, of Gallatin, McCormick, McKnight, Reed, Sanders, Stuart, Sweeney, Word, Worden, Speaker—16.

Mr. Rotwitt moved to amend by striking out section 1, which motion was lost by the following vote:

Ayes—Burkett, Carmichael, Curtis, Kenneally, Mead, Moore, of Deer Lodge, McCormick, Olds, Rotwitt, Sweeney, Tierney, Woodlock—12.

Nays—Beal, Brooke, Cave, Chessman, Clewell, Ford, Moore, of Gallatin, McKnight, Reed, Sanders, Stuart, Word, Worden, Speaker—14.

The bill was ordered engrossed for third reading.

H. B. No. 7, A Bill for an act concerning dower.

On motion of Mr. Langhorne, the rules were suspended, the bils considered engrossed, read the third time by its title, and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Tierney, Woodlock, Worden, Speaker—24.

Nays—None.

Absent—Sweeney and Word—2.

H. B. 38, An Act concerning the management of live stock, was taken up.

Mr. Worden moved to adopt the amendments reported by the Committee of the Whole, which motion was adopted.

Mr. Ford offered the following amendment:

I move to add the following as section 9, and that sections 9 and 10 be numbered accordingly:

All animals that have a duly recorded mark and brand, or brand, in the general recorder's office in this Territory, and all animals whose owners are known to the stock boards of the several counties, shall not be deemed as estrays on *any* public range in this Territory; and any stock board failing to comply with the provisions of this section of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace in this territory, shall be fined in any sum not to exceed two hundred dollars. All fines collected under the provisions of this act shall be paid into the school fund of the district where such fine was collected, *Provided*, That all the provisions of this act shall be retroactive in its operation, and any person who has heretofore lost and searched for, or paid out any money to secure any ox, cow, ass, jenny, horse, mule, or other horned or four footed animal (buffalo excepted), shall be permitted to have a round-up on his own account, and to continue the same until he can find enough property which it will be safe for him to declare estray, to pay such expenses, heretofore incurred in attending to, and hunting up any of his animals aforesaid.

FORD.

Mr. Brooke moved to lay that amendment on the table. Carried.

Mr. Brooke moved to adopt the following amendment:

Insert as section 5 the following section: " Sec. 5. The stock board may declare as estrays all cattle in the round up in their district, branded or otherwise, that are unclaimed at said round up, and whose owners are not known."

Re-number ensuing sections:

Section –. Every person who shall feloniously steal, take or carry away, lead or drive away any cattle, horses or mules, the property of another, under the value of fifty dollars, shall be deemed guilty of petit larceny, and in addition to the penalties now imposed by law for such offence, shall be liable in exemplary damages to the party injured, in any sum not less than two hundred nor more than five hundred dollars, to be recovered in any court of competent jurisdiction.

Motion lost.

Mr. Brooke appealed from the decision of the Chair in deciding the amendments lost. The House sustained the Chair.

The Bill was then referred to a Select Committee composed of the counties of Deer Lodge, Beaver Head, Madison and Jefferson.

On motion of Moore, of Gallatin, the House adjourned to 11 o'clock A. M. to-morrow.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Feb. 4th, 1876.

The House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Carmichael reported as follows:

Mr. Speaker—Your Committee on Enrollment have examined H. B. No. 48, An Act for the the protection of public bridges in the Territory of Montana; also, H. B. No. 23, An Act to protect game, fur-bearing animals and fish, in the Territory of Montana; also, H. B. No. 51, An Act concerning judgments in district courts; also, H. J. M. No. 1, and find the same correctly enrolled.

Carmichael, *Chairman.*

Report received.

H. B. No. 59 was referred to the Committee on Towns and Counties.

H. B. No. 41, ordered engrossed for third reading.

Mr. McCormick moved that H. B. No. 56 be referred to Committee on Towns and Counties, with instructions to report the number of persons petitioning for the change of county seat, and the number of persons remonstrating against the same; with authority to send for persons or papers to ascertain whether or not there was an agreement between the people of the east and west sections of the county, at any time during the past year, in relation to the proposed change in the county seat, and if so, to report what that agreement was, to this House.

Mr. Sanders moved to lay that motion on the table. Lost.

The vote was then taken on Mr. McCormick's motion, and lost by the following vote:

Ayes—Beal, Burkett, Carmichael, Curtis, Kenneally, Mead, Moore, of Gallatin, McCormick, Olds, Sweeney, Tierney, Woodlock, Word—13.

Nays—Brooke, Cave, Chessman, Clewell, Ford, Moore, of Deer Lodge, McKnight, Reed, Rotwitt, Sanders, Stuart, Worden, Speaker—13.

The Speaker announced that he had signed House Bills 23, 48, 51, and H. J. M. No. 1.

Mr. Curtis reported as follows:

Mr. Speaker—Your Committee on Engrossment, to whom was referred H. B. No. 64, would most respectfully report the same back correctly engrossed.

Curtis, *Chairman.*

Report received.

The following communication was received from the Governor, through Mr. Cummins, his Private Secretary:

Montana Territory,
Executive Department,
Helena, Feb. 2, 1876.

To the Legislative Assembly:

I have the honor to submit for your information a report of pardons granted by this office since Feb. 2d, 1874, with the reasons therefor.

John Williams.—Crime, robbery; sentenced to confinement in the penitentiary for the period of ten years. Convicted at the July term of the district court in and for the county of Lewis and Clarke, 1871. Pardoned February 19th, 1874, upon condition that he would never use any kind of intoxicating liquor, nor frequent places where the same was sold. Pardon recommended by the warden of the penitentiary, because of the uniform good conduct of the convict, and John Glass, Esq., deputy U. S. marshal. He has strictly observed the conditions of his pardon.

Henry Hall.—Crime, drawing and exhibiting a deadly weapon. Convicted at the February term of the probate court, 1874, in Madison county, and sentenced to pay a fine of fifty dollars and costs, and committed to the county jail until fine and costs were paid. Pardoned and fine remitted on the recommendation of the probate judge, county clerk, and sheriff, that the county might be saved further expense, and that Hall had been sufficiently punished.

William Butler.—Crime, grand larceny. Convicted at the March term of the district court, 1871, Lewis and Clarke county, and sentenced to confinement in the penitentiary for the period of three years and six months. Pardoned May 23d, 1874, on the recommendation of F. H. English, warden, because of good conduct and the near termination of his sentence.

Charles Love.—Crime, grand larceny. Convicted at the December term of the district court, 1872, of Deer Lodge county, and sentenced to confinement in the penitentiary for the period of ten years. Pardoned June 27th, 1874, upon the recommendation of Hon. William H. Clugett, Judge Hiram Knowles, and thirty other good citizens of Deer Lodge county, and because of the good conduct of the convict during imprisonment.

William Whiting.—Crime, grand larceny. Convicted at the June term, 1872, of the district court in Lewis and Clarke county, and sentenced to confinement in the penitentiary for the period of seven years. Pardoned August 31st, 1874, upon condition that he would forever abstain from the use of intoxicating liquors and from the vice of gambling. Evidence was presented to me that said Whiting had violated the conditions of his pardon by gambling at Virginia City, Montana, at divers times during the month of August, 1875. On the 9th day of August, 1875, I revoked the pardon of Whiting and issued a warrant to the sheriff of said Madison county for the arrest of said Whiting and his return to the penitentiary to serve out the remainder of his original sentence. He was at once arrested and returned to the penitentiary, where he is now confined. The warden, Rev. Hugh Duncan, and many others who were acquainted with Whiting, earnestly urged his pardon long before I consented to it. He appeared to have satisfied every person about the prison that he had thoroughly reformed, and would lead an upright life if pardoned.

James Brooks.—Crime, grand larceny. Convicted at the December term of the district court, 1872, in Deer Lodge county, and sentenced to confinement in the penitentiary for the period of two (2) years. Pardoned July 29th, 1874, on the recommendation of the warden and guards of the prison, because of the convict's good conduct and the near termination of his sentence.

Geo. M. Rand and Jack Rand.—Crime, manslaughter. Convicted at the March term, 1871, of the district court in Lewis and Clarke county, and sentenced to confinement in the penitentiary for the period of ten years. Pardoned September 7th, 1874, upon the following conditions:

"I, George M. Rand, a convict in the Montana penitentiary, do solemnly promise that upon condition that I be released from confinement in said penitentiary, I will never use any kind of intoxicating liquor as a beverage, and will also promise and bind myself to leave the limits of the Territory by the first mail coach for Corinne, Utah, and will never return to the limits of the said Territory, under penalty of being arrested and returned to the penitentiary to serve out the remainder of my sentence.

(Signed,) "GEO. M. RAND."

Signed in presence of—
E. S. BONNER,
A. H. MITCHELL,
F. H. ENGLISH.

The condition requiring the said Rand to leave the limits of the Territory has been complied with, and he has not returned to the same. The pardon of said Rand was recommended by a large number of citizens of Lewis and Clarke, Deer Lodge, and other counties.

Lachlin Frazier.—Crime, escaping from jail. Convicted at the June term of the district court, 1874, Lewis and Clarke county, and sentenced to confinement in the penitentiary for the period of one year. Pardoned September 10th, 1874, on the recommendation of the physician and warden of the prison that confinement was rapidly developing insanity, and that death would ensue if he was continued in confinement. The crime was not of great magnitude, and the court, jury, and county officers having recommended the pardon of Dustan, convicted at the same term and of the same crime, it was thought that Frazier should be pardoned.

Mrs. M. R. Butler.—Crime, exhibiting a pistol in a rude, angry and threatening manner. Convicted at the September term, 1874, of the probate court of Gallatin county, and sentenced to pay a fine of fifty dollars and costs. Pardoned and fine remitted September 17th, 1874, on the recommendation of the district attorney, the entire jury that tried the case, the sheriff of Gallatin county, and 29 good citizens of said county.

Samuel O. Dustan.—Crime, breaking jail. Convicted at the June term, 1874, of the district court in Lewis and Clarke county, and sentenced to confinement in the penitentiary for the period of one year. Pardoned February 22d, 1875, on the recommendation of the judge that tried the case and the clerk of the district court.

H. A. Clifford.—Crime, breaking jail. Convicted at the June term of the district court, 1874, in Lewis and Clarke county, and sentenced to confinement in the penitentiary for the period of one year. Pardoned April 14, 1875, for same reason that Samuel O. Dustan was pardoned February 22d, 1875, having been convicted at same term and for a like crime.

Michael Oscetin—Crime, grand larceny. Convicted at the June term, 1872, of the district court in and for the county of Lewis and Clarke, and sentenced to confinement in the penitentiary for the period of seven years. Pardoned April 22d, 1875, upon the recommendation of Hons. William H. Clugett, Robt. Lawrence, the officers of the prison, and one hundred good citizens of Deer Lodge county, and because of the uniform good conduct of the convict while in prison.

Oh-You—Crime, grand larceny. Convicted at the April term, 1873, of the district court in Deer Lodge county, and sentenced to confinement in the penitentiary for the period of three years. Pardoned January 14th, 1876, upon the recommendation of the district attorney who tried the case, Messrs. Clugett and Dixon, and the warden of the prison.

All papers on file in this department in relation to pardons are subject to the inspection of any member or committee of the Legislative Assembly.

Very Respectfully,
B. F. POTTS, *Governor.*

H. B. No. 56, An Act authorizing the citizens of Jefferson county to change the county seat, was read the third time, and lost by the following vote:

Ayes—Brooke, Cave, Chessman, Clewell, Ford, Moore, of Deer Lodge, McCormick, McKnight, Reed, Rotwitt, Sanders, Worden—12.

Nays—Beal, Burkett, Curtis, Kenneally, Mead, Moore, of Gallatin, Olds, Stuart, Sweeney, Tierney, Woodlock, Word, Speaker—13.

Mr. Curtis moved to reconsider the vote by which H. B. No. 56 was lost.

Mr. Curtis then moved to lay the motion on the table, which motion was lost by the following vote:

Ayes—Beal, Burkett, Curtis, Kenneally, Mead, Olds, Stuart, Sweeney, Tierney, Woodlock, Word, Speaker—12.

Nays—Brooke, Cave, Chessman, Clewell, Ford, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Reed, Rotwitt, Sanders, Worden—13.

Mr. Curtis then withdrew his motion to reconsider the vote by which H. B. No. 56 was lost.

Mr. Mead then gave notice that he would on to-morrow move to reconsider the vote by which H. B. No. 56 was lost.

H. B. No. 65, An Act for relief of James H. Mills was read the third time and passed.

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of

Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—25.

Nays—None.

Absent—Mr. Carmichael.

Title agreed to.

H. B. No. 66, An Act for the relief of Dr. A. H. Mitchell, read the third time.

Mr. Sanders moved to re-commit the bill to the Committee on Judiciary with instructions, first, to enquire whether this is not a claim of Dr. Mitchell upon Dr. Whitford, second, whether if it is a claim against the Territory does the Territory have recourse upon Dr. Whitford. Motion lost.

The vote was then taken upon H. B. No. 66, and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Curtis, Ford, Kenneally, Mead, Moore, of Deer Lodge, McCormick, Olds, Rotwitt, Stuart, Sweeney, Woodlock, Word, Worden—16.

Nays—Cave, Carmichael, Chessman, Clewell, Moore, of Gallatin, McKnight, Reed, Sanders, Tierney, Speaker—10.

On motion of Mr. Stuart, the title was amended so as to read: An Act to compensate Dr. A. H. Mitchell for medical service rendered to the Territory.

On motion of Mr. Ford, the House took a recess until 2:30 o'clock P. M.

2:30 o'clock P. M.—The House resumed.

Mr. Speaker in the Chair.

Roll called—quorum present.

H. B. No. 64, An Act for the relief of H. A. D'Acheul, read the third time, and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Worden, Speaker—24.

Absent—Carmichael and Word.

The title was agreed to.

On motion of Mr. McKnight, H. B. No. 53 was made the special order for 3 o'clock P. M. to-morrow.

C. B. No. 35, An Act concerning notaries public, read third time and passed to the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—26.

The title was agreed to.

C. B. No. 26, An Act to exempt woolen mills and their machinery from taxation, read the third time and lost by the following vote:

Ayes—Brooke, Burkett, Carmichael, Curtis, Kenneally, Moore, of Gallatin, Rotwitt, Tierney, Woodlock, Word, and Mr. Speaker—11.

Nays—Beal, Cave, Chessman, Clewell, Ford, Mead, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Sanders, Stuart, Sweeney, and Worden—15.

Mr. Carmichael reported as follows:

Mr. Speaker—Your Committee on Enrollment have handed to the Governor H. B. No. 51, An Act concerning judgments in justices' courts. Also, H. B. No. 48, An Act for the protection of public bridges in the Territory of Montana. Also, H. B. No. 23, An Act to protect game, fur-bearing animals and fish in the Territory of Montana. Also, H. B. No. 47, An Act to provide for the redemption of the funded debt of Lewis and Clarke county, at 12:30 p. m. of this day.

Carmichael, *Chairman.*

Report received.

Mr. Mead reported as follows from the Select Committee:

Mr. Speaker—Your Committee on Elections, to whom was referred Council Bill No. 38, having considered the same, report the same back without recommendations.

Mead,
Cave,
Clewell, } *Committee.*

Report received.

Mr. Beal presented the following report:

Mr. Speaker—Your Special Committee who were charged to look into the affairs of the insane of this Territory, beg leave to submit the follwing report:

We have visited St. Joseph's hospital, one branch of which constitutes the insane asylum. We found twenty-three insane persons, and all as well taken care of as circumstances would permit. The most scrupulous cleanliness prevailed throughout the department, and the inmates seemed to be as comfortable as could be possible under their unfortunate afflictions, with the limited facilities. But though we are free to admit that the Sisters of Charity, who have the contract for the maintenance of the insane, are doing all in their power for the relief and comfort of those unfortunates, we are of the opinion that the means at their command are entirely inadequate to satisfy the requirements of humanity. First of all we missed a systematic treatment, for which the want of a superintending physician accounts, without whom no insane asylum can be complete. Mental diseases require the constant and undivided attention and care of a physician who has made the treatment of such diseases a specialty and a life study. All the asylums of the different states are under the supervision of such physicians, and hence the success of modern times in the treatment of the insane. Statistics prove that in all eastern asylums over 50 per cent of the inmates are restored to health; in some of the states the proportion is even larger; while here, without the necessary medical treatment, an alarmingly small proportion of the afflicted leave the asylum cured. To remedy this deplorable state of affairs we most earnestly request the careful perusal and passage of a bill, which will be introduced, for the erection of suitable buildings for the maintenance and proper treatment of the insane.

BEAL,
ROTWITT.

Report received.

Mr. Brooke presented the following report:

MR. SPEAKER—Your Committee on Stock Growing and Grazing, to whom was referred H. B. No. 72, have had the same under consideration, and herewith return it to the House without recommendations.

BROOKE,
MOORE,
ROTWITT,
FORD,
REED.

Report received.

Mr. Woodlock reported as follows:

MR. SPEAKER—Your Committee on Incorporations report on H. B. No. 73, A Bill for an act to provide for the formation of corporations other than those for pecuniary profit, recommend that the same do pass.

WOODLOCK, *Chairman.*

Report received.

Mr. Word reported as follows:

Mr. Speaker—Your Committee on Judiciary, to whom was referred H. B. No. 55, An Act to amend sections 1 and 2 of an act entitled an act to establish and regulate the fees of witnesses, jurors and certain officers of Montana Territory, approved April 29, 1873, beg leave to report the same back to the House with the recommendation that the same do not pass.

Word, *Chairman.*

Report received.

Also, as follows:

Mr. Speaker—Your Committee on Judiciary, to whom was referred House Bill No. 67, being an act to amend section 260 of an act entitled an act regulating proceedings in courts of justice in Montana Territory, beg leave to report the same back to the House with a substitute therefor, herewith transmitted, and recommend that the substitute be adopted, and that it pass. That the title of the bill be amended so as to read as follows: An Act concerning exemptions.

Respectfully submitted.

Word, *Chairman.*

Mr. Sanders presented the following majority report:

Mr. Speaker—The undersigned, from the Committee on Territorial Affairs, have had under consideration C. B. No. 25, An Act abolishing the office of Territorial Treasurer, and providing for the appointment of a fiscal agent for the Territory of Montana. There are so many objections to the proposed bill, both as to its substance and form, that it is difficult in a brief report to collate and detail them.

In the first place, the bill seems to be utterly without motive; it is almost wholly without precedent, and it is believed by the undersigned that those precedents demonstrated the folly of the enterprise. As a method of conducting government, it is condemned by a uniform experience. As a matter of constitutional law, it is in some of its provisions violative of the organic act of this territory.

It revives in a limited form the old controversy, which forty years ago convulsed the whole nation as to a sub-treasury and a United States Bank. It is not justified by any failure of our present method of conducting the financial affairs of the territory. It adds nothing to the security or efficiency of our financial management. It turns over to an incorporation or association, the conductors of which are engaged in speculative enterprises and absorbed in private duties, the labors of an office which if faithfully performed might well absorb the attention, demand the study, and require the ability of the ablest of our citizens. It renders nugatory many of the penal provisions of our laws, enacted for the protection of our people, which would be abortive as against an incorporation or association. It requires a corporation or association to take and subscribe an oath, or it turns the management of the moneys of the Territory over to persons who have not taken such oath. It drives the proposed banking incorporation or association out of the profitable business of dealing in territorial securities, or it gives them such facilities for pursuing this branch of the business as would drive away all competition. The depreciation of the credit of the territory would, under such management, seem to be an inevitable and speedy result. This House in the Committee of the Whole has recommended the passage of a bill making the territorial treasurer one of the canvassers of election returns. How would the incorporation or association be able to discharge that duty, and by what instrumentality?

The particular official duties prescribed to the fiscal agents are beyond the province of any incorporation organized under the laws of the United States, and such incorporation in a matter beyond the scope of banking, would not be holden on its contracts with reference to this public duty, and there would be a grave doubt as to any liability on the part of its sureties upon the bond for fifty thousand dollars, which by the terms of the law the bill requires.

The undertaking by a surety that his principal should do·

and perform certain acts which by law it is forbidden that principal shall do, would not probably impose any liability whatever. The defense of *ultra vires* to the principal, it is believed would avail its sureties.

The treasurer is required to reside and remain at the seat of government, and the terms of the bill require the fiscal agent to reside here. This would practically require the contract to be made with Messrs. L. H. Hushifield & Brother, a most worthy and reliable banking association here, or what would be more probable, would require the organization of a new association for the express purpose of discharging this great trust.

The safeguards which we have thrown around the appointment of treasurer, requiring the highest officer of the Territory, upon his honor and official responsibility, to nominate some creditable and honorable citizen of Montana to the Legislative Council, and requiring the confirmation of the highest branch of the legislative assembly to confirm such nomination has been found in all the states and in the general government conducive to good administration, and has not been abandoned by these states or the general government after many years of trial.

Without a solitary safeguard, this contract, designation, or appointment is to be made by three, or two of three officers, named in section 1 of the bill.

They may pay one, ten or fifty thousand dollars for this service per annum.

The people do not elect the agent, they do not elect the officers who perform this duty, for that purpose, they can exercise no control in any way or manner over the appointment. The position of fiscal agent is an office. This gives it to an incorporation.

By the organic act this officer is to be nominated by the Governor and confirmed by the Council. It may be regretted that this officer cannot be elected by the people; some may even regret that the Governor, who now nominates him, is not selected from the Territory, instead of being sent here from abroad at the behest of partisan politicians, but we think none will regret that he is not appointed in the manner prescribed in this bill.

If the salary of the treasurer is too high it should be reduced; but any sum which is to be paid for the service he renders ought to be fixed by law, and not left to the uncontrolled will of any person or officer. We know of no one who wishes to enlarge, or even to preserve, under existing circumstances, the patronage of the executive. So long as that office is filled by men sent from abroad, who are strangers to our people, we shall strive to limit their powers, curtail their patronage, and in proportion as we are proud, spirited and self-respecting, shall limit their powers. This impulse is natural and not to be regretted. The causes which bring it into action may be regretted, but not the action itself.

Do the people of this Territory desire that their funds be thrown into the market and the custody of them to be let to the lowest bidder? Do they desire to place them in the custody of banking associations or corporations, where the temptation to use them is so strong, and where the use of funds under their control is their regular business?

Your Committee being of the opinion that the bill should not pass, report the same back with such recommendation.

W. F. Sanders,
Ford,
A. Carmichael,
Moore, of Gallatin.

Report received.

Mr. McCormick presented the following minority report:

Mr. Speaker—A minority of your Committee on Territorial Affairs, to which was referred C. B. No. 25, An Act abolishing the office of Territorial Treasurer, and providing for the appointment of a fiscal agent for the Territory, beg leave to report that they have had the same under consideration, and, in the judgment of a minority of your committee, it is a measure in the interest of economy and reform. The bill throws around the finances of the Territory every possible safeguard secured under the present law, without in any manner impairing that branch of the public service. In fact, it is a measure to abolish a sinecure, and save to the people of the Territory, annually, at the very lowest estimate, the sum of fifteen hundred dollars. Possessing these merits, it is a measure that eminently commends itself to all friends of reform everywhere, and to every member of this House who desires to see a radical reduction in our public expenditures, when such reduction does not impair the public service.

The only objection that can be urged against this bill is a partisan one, in that it takes away from the executive of the Territory the power to provide a comfortable living for one of his partisan friends at the expense of the people of the Territory.

Believing that the bill under consideration possesses all the merits that we have claimed for it, a minority of your committee would recommend that the bill do pass with the following amendment: Strike out the word "such" in line 2, section 1, and insert the words " the president, cashier, or other officer of a."

McCormick.

Report received.

The following messages were received from the Council, through Mr. Comly, their chief clerk:

Council Chamber,
Feb. 3, 1876.

Mr. Speaker—I am directed by the Council to inform your honorable body that C. B. No. 43, An Act defining the length and width of vein or lode quartz claims in the Territory of Montana, has passed the Council, and is herewith transmitted.

Respectfully,
Harvey R. Comly,
Chief Clerk.

COUNCIL CHAMBER,
Feb. 4, 1876.

MR. SPEAKER—I am directed by the Council to inform your honorable body that the following bills have passed the Council:

C. B. No. 52, An Act in relation to the sale of real estate and easement under order of sale or execution.

C. B. No. 41, An Act to amend section 17 of an act entitled an act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana, approved February 13, 1874.

Also, H. J. M. No. 3, and are herewith transmitted.

That the Council request the House for permission to change the words "*parallel of longitude*," in C. B. No. 30, which has been enrolled, to the words "*meridian of longitude.*"

That the Council insists on its amendments to H. B. No. 42.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

On motion of Mr. Sanders, the House insists upon its disagreements to Council amendments to H. B. No. 42, and ask a Committee of Conference.

Messrs. Sanders and Word were appointed such committee on the part of the House.

Notices were given as follows:

By Mr. Carmichael: A Bill apportioning the members of the Legislative Assembly, and prescribing the time of their election.

By Mr. Moore, of Deer Lodge: A Bill entitled an act authorizing and requiring the commissioners of Deer Lodge county to audit certain claims held by John J. Downhouer and nine others, in the aggregate amounting to $1,350.49.

By Mr. Sweeney: A Bill asking for an appropriation for the purpose of printing the statistical reports of each county, in pamphlet form, which shall be known as the emigration pamphlet.

By Mr. Sanders: A Bill for an act fixing the time of the meeting of the Legislative Assembly.

Mr. Speaker signed C. B. No. 45.

H. J. M. No. 3 was ordered enrolled.

C. B. No. 41, An Act to amend section 17 of an act entitled an act to amend an act to regulate proceedings in civil cases in the courts of justice in the Territory of Montana, approved February 13, 1874, read first and second times, and referred to the Committee on Judiciary.

C. B. No. 43, An Act defining the length and width of vein or lode quartz claims in the Territory of Montana, read first and second times, and referred to the Committee on Mines and Minerals.

H. B. No. 52, An Act concerning divorce, referred to the Committee on Judiciary.

Bills were introduced as follows:

By Mr. Mead: H. B. No. 75, A Bill for an act to enable the people of the Territory of Montana to aid in the construction of a railroad.

Read first time.

Mr. McCormick moved to reject the bill.

Mr. Sanders moved a call of the House.

The absentees having taken their seats, Mr. Word moved a further call of the House be dispensed with. Carried.

The vote was then taken upon the rejection of the bill and resulted in:

Ayes—Cave, McCormick, and Worden—3.

Nays—Beal, Brooke, Burkett, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—23.

And the motion to reject was lost.

The bill was then read the second time.

Mr. Curtis moved that the bill be referred to a Select Committee of one from each county, with instructions to report at 2 o'clock P. M. to-morrow.

Mr. Reed moved to amend and insert " Monday " in lieu of " to-morrow."

Motion lost.

Mr. Curtis's motion was then adopted.

On motion of Mr. Beal, each delegation selected its committeeman, whereupon the following committee was announced: Sanders, Stuart, Word, Langhorne, Curtis, McCormick, Tierney, Mead, and Ford.

By Mr. Burkett: H. B. No. 76, An Act to re-locate the seat of government.

Read first and second times, and referred to the Committee on Territorial Affairs.

By Mr. Beal: H. B. No. 77, An Act to provide for the insane.

Read first and second times.

Mr. Sweeney moved to refer the bill to a select committee of one from each county.

Mr. Rotwitt to refer to Committee on Territorial Affairs, which motion was lost.

Mr. Sweeney's motion was then adopted, and the Speaker appointed Messrs. Beal, Rotwitt, Reed, McKnight, Ford, Mead, Worden, Brooke, and Carmichael.

By Mr. Ford: H. B. No. 78, An Act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena.

Read first and second times and referred to a select committee composed of the members of Lewis and Clarke, Meagher, and Chouteau counties.

Also, H. B. No. 79, An Act to amend section 73 of chapter 6 of the criminal laws of Montana Territory.

Read first and second times, and referred to the Committee on Judiciary.

By Mr. Moore, of Deer Lodge: H. J. M. No. 5, to the Senate and House of Representatives of the United States.

Read first and second times, and referred to the Committee on Federal Relations.

C. B. No. 20, An Act in relation to insane persons in Montana, read third time and passed.

Ayes—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer

Lodge, McCormick, McKnight, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—23.

Nays—None.

Absent—Burkett and Olds.

On motion of Mr. Sanders, H. B. No. 72, An Act to create a lawful fence, was indefinitely postponed.

On motion of Mr. McCormick, H. B. No. 55, An Act to amend sections 1 and 2 of an act to regulate fees of witness, jurors and certain officers, was indefinitely postponed.

On motion of Mr. Sanders, H. B. No. 73, An Act to provide for the formation of corporations other than those for pecuniary profit, was read the third time and passed by the following vote:

Ayes—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Mead, Moore, of Gallatin, McCormick, McKnight, Reed, Rotwitt, Sanders, Stuart, Tierney, Woodlock, Worden, Speaker—18.

Nays—Burkett, Curtis, Ford, Kenneally, Moore, of Deer Lodge, Sweeney, and Word—7.

Absent—Olds.

The title was agreed to.

H. B. No. 67, A Bill for an act to amend section 260 of an act regulating proceedings in civil cases.

On motion of Mr. Word, a substitute was adopted.

Read first and second times.

On motion of Mr. Ford, the following amendment was adopted: Add after the word "fowls," in section 1, " also, the arms and ammunition of any person, not exceeding in value the sum of sixty dollars."

The bill was then ordered engrossed as amended for third reading.

Mr. Carmichael moved to adopt the report of the majority of the Committee upon C. B. No. 25.

Mr. Word moved to strike out "majority" and insert "minority," which motion was lost by the following vote:

Ayes—Brooke, Burkett, Cave, Curtis, Kenneally, Mead' McCormick, Woodlock, Word—9.

Nays—Beal, Carmichael, Chessman, Clewell, Ford, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Worden, Speaker—16.

The majority report was then adopted.

Mr. McCormick moved to amend as follows: "I move to amend section 1 by striking out the word "such" in line two, and insert the following, "the president, cashier or other officer of a," which motion was lost.

C. B. No. 25, An Act to abolish the office of Territorial Treasurer and appoint a fiscal agent, was read the third time, and lost by the following vote:

Ayes—Curtis, Mead, McCormick, Tierney, Woodlock, Word—6.

Nays—Beal; Brooke, Cave, Carmichael Chessman, Clewell, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Worden, Speaker—19.

Absent—Burkett.

Mr. McCormick moved to indefinitely postpone C. B. No. 38, An Act to prevent the purchase and sale of votes, which motion was lost by the following vote:

Ayes—Beal, Burkett, Curtis, Mead, McCormick, Woodlock, and Worden—7.

Nays—Brooke, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Moore, of Gallatin, Moore, of Deere Lodge, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Word, Speaker—19.

The bill was then read the third time and passed by the following vote:

Ayes—Brooke, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Moore, of Gallatin, Moore of Deer Lodge, McKnight, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Word, Speaker—18.

Nays—Beal, Burkett, Curtis, Mead, McCormick, Olds, Woodlock and Worden—8.

Mr. McCormick moved to amend the title so as to read as follows:

An Act to protect the pockets of candidates for office.

Which was lost by the following vote:

Ayes—Beal, Burkett, Curtis, Mead, McCormick, Olds, Tierney, Woodlock, Word, and Worden—10.

Nays—Brooke, Cave, Carmichael Chessman, Clewell, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Read, Rotwitt, Sanders, Stuart, Sweeney, Speaker—16.

Mr. Stuart, from Select Committee, reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred H. B. No. 38, known as the "Round-up Law," would most respectfully report the same back to the House, and state that it was found impossible to get the Committee together so as to act upon the same, and they would therefore ask the House to discharge said committee, and that the Speaker appoint a committee comprised of Stuart, Mead, Carmichael, Moore, of Gallatin, and Brooke, and that the bill be committed to them with instruction to report on the same as soon as possible:

STUART, *Chairman.*

Report received.

On motion of Mr. Sanders, the House adjourned to 10 o'clock A. M. to-morrow.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

THIRTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Feb. 5th, 1876

The House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—members all present.

Journal of yesterday read and approved.

Mr. Curtis reported as follows:

MR. SPEAKER—Your Committee on Engrossment, to whom was referred H. Bs. Nos. 63, 41, 43 and 62, respectfully report the same back correctly engrossed.

CURTIS, *Chairman.*

Report received.

Mr. Ford, from Select Committee, presented the following report:

MR. SPEAKER—Your Select Committee, to whom was referred H. B. No. 78, An Act enabling the people of the counties interested to vote a subsidy for the construction of a railroad from the head of navigation at or near Fort Benton to the city of Helena, in the Territory of Montana, have had the same under consideration, and with the following amendments, we recommend that the bill do pass. After the word "road" in section 2, line 39, insert the word "for," and add to section 4 the following: "But no proposition shall be submitted or enforced permitting any bonds to be delivered for any mile of road which shall not be at the time of the delivery of said bonds fully completed and equipped."

J. H. MCKNIGHT,
WM. A. CHESSMAN,
W. F. SANDERS,
T. H. CLEWELL,
W. E. TIERNEY,
R. S. FORD,
JOHN SWEENEY.

Report received.

Mr. Worden presented the following report:

MR. SPEAKER—Your Committee on Engrossment report H. B. 33 herewith correctly engrossed.

WORDEN,
CHESSMAN.

Report received.

Mr. McCormick reported as follows:

Mr. Speaker—Your Committee on Federal Relations, to which was referred H. J. M. No. 5, in relation to the repeal of the mineral act of 1872, beg leave to report the same back with the recommendation that it do pass.

McCormick, *Chairman.*

Report received.

Mr. Stuart, from Select Committee, reported as follows:

Mr. Speaker—Your Special Committee, to whom was referred H. B. No. 38, An Act concerning the management of live stock, and to protect the interests of stock growers in the Territory of Montana, beg leave to report the same back to the House with the following amendments, to-wit: Strike out the word "ten" in line 7 of section 1, and insert the word "twenty" in lieu thereof. Also, strike out the word "and" after the word "cows," in line 7 of section 3, and insert after the word "oxen," in the same line, the words "and cattle under the direct care of the herder." Also, add to section 5 the following words: "The stock board may declare as estrays all cattle in the round-up in their district, either branded or otherwise, that are unclaimed at said round-up and whose owners are not known." And, also, that the two pages which are interpolated in a different handwriting, in section 7, be stricken out, and as thus amended, your Committee would recommend that the bill do pass.

Stuart,
Brooke,
Moore, of Gallatin,
Mead,
Carmichael.

Report received.

Mr. Carmichael reported as follows:

Mr. Speaker—Your Committee on Enrollment have examined H. B. No. 39, An Act in relation to counties and county boundaries; also, H. B. No. 9, An Act relative to records, and find the same correctly enrolled.

Carmichael, *Chairman.*

Mr. Carmichael gave the following notice of the introduction of a bill to encourage immigration.

The Speaker announced that he had signed H. Bs. Nos. 9 and 39.

On motion of Mr. Carmichael, the following resolution was adopted:

MR. SPEAKER—*Resolved*, That the Committee on Judiciary be requested to report back to the House the several bills referred to them and now in their hands, on or before Monday, the 7th inst.

Bills were introduced as follows:

By Mr. Sanders: H. B. No. 80, An Act fixing the time of the meeting of the Legislative Assembly.

Read first and second times, and referred to the Committee on Elections.

Also, H. B. No. 81, A Bill for an act in relation to schools.

Read first and second times, and referred to the Committee on Education and Labor.

H. B. No. 41, An Act for the relief of D. H. Linebarger, treasurer of Jefferson county, Montana Territory, and the release and discharge of his official bondsmen as such, Mr. Sanders moved to amend as follows:

Strike out all after the enacting clause and insert the following:

"Section 1. In any action brought against the treasurer of Jefferson county, Montana, for and on account of any loss of funds or any alleged defalcation, or against his sureties, it shall be to him or them a sufficient defense if he shall show that funds for which such suit is brought were on the night of the

31st day of December, A. D. 1875, without his fault or neglect, and while he was in the exercise of all due diligence, stolen from the safe in the treasurer's office of said county."

Upon which motion the ayes and nays were called.

Ayes—Cave, Chessman, Ford, Moore, of Deer Lodge, McCormick, McKnight, Olds, Rotwitt, Sanders, and Worden—10.

Nays—Beal, Brooke, Burkett, Clewell, Curtis, Kenneally, Mead, Reed, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—14.

And the motion was lost.

The bill was then read the third time, and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Curtis, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Reed, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—16.

Nays—Cave, Carmichael, Chessman, Clewell, Ford, McKnight, Olds, Rotwitt, Sanders, and Worden—10.

The title was agreed to.

H. B. No. 43, An Act concerning licenses, was, on motion of Mr. Carmichael, re-committed to the Committee on Ways and Means, with instructions to amend section 1, 4th clause, by striking out "seventy-five" and inserting "one hundred and fifty."

The Speaker announced that he had signed C. B. No. 47.

H. B. No. 62, An Act in relation to quartz claims, was read the third time and passed.

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer

Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Tierney, Woodlock, Word, Worden, and Mr. Speaker —23.

Nays—None.

Absent—Carmichael, Curtis, and Sweeney—3.

The title was agreed to.

H. B. No. 63, An Act to prohibit the sale of intoxicating drinks on Sundays and election days, Mr. McCormick moved to re-commit to the Committee on Education, with instructions to strike out "one mile" where it occurs in the 1st section, and insert "100 yards."

Mr. Sanders moved a call of the House.

Roll called—Messrs. McKnight and Sweeney absent.

Absentees reported in their seats.

On motion of Mr. Carmichael, the further call of the House was dispensed with.

Mr. Sanders moved to strike out the last fifteen words of section 1.

Mr. McCormick moved to amend by striking out all of section 1, which motion was lost by the following vote:

Ayes—Burkett, Carmichael, Curtis, Kenneally, Mead, Moore, of Deer Lodge, McCormick, Olds, Rotwitt, Stuart, Tierney, and Woodlock—12.

Nays—Beal, Brooke, Cave, Chessman, Clewell, Ford, Moore, of Gallatin, McKnight, Reed, Sanders, Sweeney, Word, Worden, and Mr. Speaker—14.

Mr. Sanders's amendment was then adopted by the following vote:

Ayes—Beal, Brooke, Cave, Chessman, Clewell, Ford, Moore, of Gallatin, McCormick, McKnight, Reed, Sanders, Stuart, Sweeney, Tierney, Word, Worden, and Mr. Speaker—17.

Nays—Burkett, Carmichael, Curtis, Kenneally, Mead, Moore, of Deer Lodge, Olds, Rotwitt, and Woodlock—9.

On motion of Mr. Sanders, the clerk was ordered to make corrections in the bill, as amended.

The bill was read the third time, and passed.

Ayes—Beal, Brooke, Cave, Chessman, Clewell, Ford, Moore, of Gallatin, McKnight Reed, Sanders, Stuart, Sweeney, Word, Worken, and Mr. Speaker—15.

Nays—Burkett, Carmichael, Curtis, Kenneally, Mead, Moore, of Deer Lodge, McCormick, Olds, Rotwitt, Tierney, and Woodlock—11.

The title was agreed to.

On motion of Mr. Curtis, the House took a recess to 2½ o'clock P. M.

2½ o'clock P. M.—The House resumed, Mr. Speaker in the chair.

Roll called—members all present.

MR. SPEAKER—Your Committee on Elections, to which was referred House Bill No. 80, have had the same under consideration, and report the same back, with the recommendation that the same do pass.

MEAD,
CAVE,
CLEWELL.

Report received.

H. B. No. 33, An Act to provide for biennial elections, was read the third time, and passed.

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, McCormick, McKnight, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Worden, and Mr. Speaker—21.

Nays—Mead, Moore, of Gallatin, Olds and Word—4.

Absent—Moore, of Deer Lodge.

The following communication was received from the Governor:

MONTANA TERRIORY,
EXECUTIVE DEPARTMENT,
HELENA, Feb. 5, 1876.

To the House of Representatives:

I have the honor to inform the House of Representatives that I did, on the 3d day of February, 1876, approve H. B. No. 45, entitled an act to amend an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory.

Also, on same day, I approved H. B. No. 46, entitled an act to protect the citizens of Montana from empiricism, and elevate the standing of the medical profession.

Also, on the 5th day of February, 1876, I approved H. B. No. 23, entitled An Act to protect game, fur-bearing animals and fish in the Territory of Montana.

Also, on the same day, I approved H. B. No. 39, entitled An Act in relation to counties and county boundaries.

Also, on the same day, I approved H. B. No. 47, entitled An Act to provide for the redemption of the funded debt of Lewis and Clarke County.

Also, on the same day, I approved H. B. No. 48, entitled An Act for the protection of public bridges in the Territory of Montana.

Also, on the same day, I approved H. B. No. 51, entitled An Act concerning judgments in justices' courts.

Also, on the same day I approved H. B. No. 9, entitled An Act relative to records.

Very respectfully,
B. F. POTTS, *Governor.*

Mr. Sanders presented the following minority report upon House Bill No. 75:

MR. SPEAKER—Your Select Committee to which was referred H. B. No. 75, A. Bill for an act to enable the people of the Territory of Montana to aid in the construction of a railroad, have had the same under consideration, and herewith report the same back, and recommend that the same be amended as follows: Insert before the words "Fort Hall," where they occur in the bill, the word "new." Insert next after the word "act," and before the word "this" in line — of section 15 of the bill, the words "and approval, and announcement thereof as herein provided."

Insert next after the word "act," in line — of section 9 of the bill, the words by voting "Railroad subsidy, yes."

At the close of section 13, and as a part thereof, insert the words "And the public faith of the Territory of Montana is hereby pledged to the payment of any bonds issued in compliance with the provisions of this act, according to the terms thereof."

The committee unanimously recommend the foregoing amendments, and the undersigned recommend that the bill as so amended do pass. As to the other members of the committee, the undersigned understand that they wish further to consider the same. All of which is respectfully submitted.

STUART,
MEAD,
SANDERS.

Report received.

Mr. McCormick presented the following majority report, upon H. B. No. 75.

Mr. Speaker—A part of the Committee to which was referred H. B. No. 75, beg leave to report that the time given to report is so short that they have not been able to prepare such a report as the importance of the measure demands, and would therefore ask that they have until Monday, the 7th inst., in which to make their report.

McCormick,
Ford,
Curtis,
Tierney,
Word,
Langhorne.

Report received.

Mr. Stuart reported as follows:

Mr. Speaker—Your Committee on Towns and Counties, to whom was referred H. B. No. 59, An Act to provide for the care, support and maintenance of the sick, poor, and infirm of the several counties, beg leave to report the same back to the House, with the following amendment, to wit: Strike out all of section 7 and insert in lieu thereof the following, to wit: "Sec. 7.—And the boards of county commissioners of the several counties shall annually at their December meeting make a contract with some resident practising physician to furnish medicines and medical attendance to the said sick, poor and infirm of their respective counties, and to the inmates of the county jail who may require medicine or medical treatment, for the succeeding year." And as thus amended would recommend that the bill do pass.

Stuart, *Chairman.*

Report received.

H. B. No. 53, An Act to create the new county of Dearborn, was read the third time, and lost by the following vote:

Ayes—Brooke, Cave, Carmichael, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Reed, Woodcock, Worden, and Speaker—11.

Nays—Beal, Burkett, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Olds, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Word—15.

The Speaker announced that he had signed H. J. M. No. 3.

Mr. Sweeney presented the petition of sundry colored citizens of Montana relative to schools.

Read and referred to Committee on Education and Labor.

H. B. No. 78, An Act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena.

On motion of Mr. Ford, the amendments as reported by the select committee were adopted as amendments to the bill.

The bill was then ordered engrossed, as amended, for third reading.

H. B. No. 38, An Act concerning the management of live stock, and to protect the interests of stock growers.

On motion of Mr. Brooke, the amendments reported by the select committee was adopted.

Mr. Reed moved the adoption of the following amendment:

Mr. Speaker—I move to amend by striking out all of section 4, and inserting in lieu thereof the following: "The stock boards of the several counties of the Territory shall declare as estray all animals rounded up at any authorized round-up except those that have a mark and brand or brand recorded in the general recorder's office in this Territory, and those whose owners are known to them, and calves and colts following their mothers."

Strike out of section 5 all after the word "branded," where it occurs in line 4, also, strike out of section 7 all between the word "stock" in line 19, and the word "and" in line 21.

REED.

Which motion was lost.

The bill was then ordered engrossed as amended for third reading.

H. B. No. 59, An Act to provide for the support, care and maintainance of the sick, poor and infirm of the several counties.

On motion of Mr. McCormick, the amendments reported by the Committee were adopted.

Mr. Mead moved to strike out the word "shall" in the amendment, and insert the word "may."

Motion lost.

The bill was then ordered engrossed for a third reading.

H. B. No. 80, An Act to fix the time of the meeting of the legislative assembly was taken up, and on motion of Mr. McCormick, the rules were suspended, the bill considered engrossed, read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Worden, Speaker—24.

Nays—Word.

Absent—Carmichael.

On motion of Mr. McCormick, H. B. No. 75 was made the special order for Monday at 11 o'clock A. M. by the following vote:

Ayes—Burkett, Cave, Carmichael, Clewell, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—19.

Nays—Beal, Brooke, Chessman, Mead, Rotwitt, Sanders, Stuart- 7.

H. J. M. No. 5 was read the third time, and passed by the following vote:

Ayes—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Rotwitt, Sanders, Stuart, Tierney, Woodlock, Word, Worden, Speaker—22.

Nays—None.

Absent—Burkett, Curtis, Reed, Sweeney—4.

Mr. Burkett gave notice that he would on Monday move to reconsider the vote by which H. B. No. 53 was lost.

On motion of Mr. McCormick, the House adjourned to 10 o'clock A. M. Monday.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

THIRTY-SIXTH DAY.

House of Representatives,
Helena, M. T., Feb. 7th, 1876.

The House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Mr. Stuart in the Chair.

Mr. Curtis presented the following report:

Mr. Speaker—Your Committee on Engrossment to whom was referred H. B. No. 20, would most respectfully report the same back, correctly engrossed.

Curtis, *Chairman.*

Report received.

Mr. Mead presented the following report from the Judiciary Committee:

Mr. Speaker—Your Committee on Judiciary, to which was referred H. B. No. 69, having considered the same, report the same back, with an amendment, and recommend that said bill, as amended, do pass.

Mead.

Amend section 2 by adding after the word "magistrate" in the 10th line the words "shall make such entry in his docket and."

Also, as follows:

MR. SPEAKER—Your Committee on Judiciary, to which was referred H. B. No. 70, having considered the same, report the same back with an amendment, and recommend that said bill, as amended, do pass.

MEAD.

Amend section 4 by adding thereto the following, "if no wife, then to the next of kin, and if no wife or next of kin, then to a creditor or creditors of said convict."

Also, as follows:

MR. SPEAKER—Your Committee on Judiciary, to which was referred H. B. No. 71, having considered the same, report the same back with a substitute, and recommend that said substitute do pass.

MEAD.

Reports received.

Mr. Beal presented the following report:

MR. SPEAKER—Your select committee to whom was referred H. B. No. 77, An Act entitled an act to provide for the insane, have had the same under consideration, and recommend that it do pass, with the following amendments:

Strike out the words "and shall also elect," after the word board in line 8, section 4, and insert, "the said trustees are authorized to appoint."

Also, in lieu of section 16, "There is hereby appropriated out of any money in the Territorial treasury not otherwise appropriated, for grounds, buildings and furnishing of buildings, a sum not to exceed ten thousand ($10,000.00) dollars.

BEAL,
ROTWITT,
BROOKE,
MEAD,
REED,
FORD,
CARMICHAEL.

Report received.

Also, as follows:

MR. SPEAKER—Your Committee on Education and Labor, to whom was referred H. B. No. 81, A Bill for an act in relation to schools, have had it under consideration, and return the same with the recommendation that it do pass.

BEAL,
ROTWITT,
WORDEN.

Report received.

Mr. McCormick reported as follows:

MR. SPEAKER—Your Committee on Federal Relations, to which H. J. M. No. 4 was referred, beg leave to report the same back to the House, with the recommendation that it do pass.

MCCORMICK, *Chairman.*

Report received.

Mr. Sanders, Chairman of the Committee on Territorial Affairs, presented the following majority bill:

MR. SPEAKER—Your Committee on Territorial Affairs, to which was referred H. B. No. 76, for an act to re-locate the seat of government, have had the same under consideration. Your Committee recommend that section 4 of the bill be amended, so as to read as follows: Section 4. The ballots shall have written or printed upon them the words, "For the seat of government of Montana Territory," and the elector shall write or print, or cause to be written or printed thereunder the name of the place he desires to vote for, "Deer Lodge," or "Helena," and the same shall be canvassed by the judges of election, and an abstract thereof made, and the same shall be counted as are the votes for delegates in Congress. A majority of your Committee being of the opinion that the present location of the seat of government is reasonably central, and that the accommodations for it are as good as elsewhere in the Territory, are of the opinion that no public interest would be subserved by the passage of the act, and that there is no general demand for such an act, report the same back with the recommendation that it do not pass.

W. F. SANDERS,
MOORE, of Gallatin,
R. S. FORD.

Report received.

Mr. Carmichael presented the following minority report:

MR. SPEAKER—The minority of your Committee, to whom was referred H. B. No. 76, An Act to change the seat of government, recommend the amendments submitted by the minority of said Committee, and that the bill as amended, do pass.

CARMICHAEL,
MCCORMICK.

Report received.

Mr. Rotwitt gave notice that he would introduce a bill for an act in relation to schools.

Mr. Moore, of Gallatin, moved to reconsider the vote by which H. B. No. 41 was passed.

Mr. Sanders moved a call of the House.

Roll called—McKnight and Langhorne absent.

On motion of Mr. Sanders, the further call of the House was dispensed with.

Mr. Moore's motion was then adopted by the following vote:

Ayes—Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Rotwitt, Sanders, Sweeney, Woodlock, Worden —15.

Nays—Beal, Brooke, Burkett, Curtis, Mead, McCormick, Stuart, Tierney, Word—9.

Mr. Burkett moved to reconsider the vote by which H. B. No. 53 was lost.

Mr. Sanders moved to lay that motion on the table, which motion was lost by the following vote:

Ayes—Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Deer Lodge, Rotwitt, Sanders, Stuart, Sweeney, Tierney—12.

Nays—Beal, Brooke, Burkett, Cave, Carmichael, Moore, of Gallatin, McCormick, McKnight, Olds, Reed, Woodlock, Word, Worden—13.

Mr. Burkett's motion then prevailed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Kenneally, Moore, of Gallatin, McCormick, McKnight, Olds, Reed, Woodlock, Worden, and Mr. Speaker—14.

Nays—Chessman, Clewell, Curtis, Ford, Mead, Moore, of Deer Lodge, Rotwitt, Sanders, Stuart, Sweeney, Tierney, and Word—12.

On motion of Mr. Moore, of Gallatin, the clerk was instructed to request the Council to return H. B. No. 41.

Mr. Curtis reported as follows:

Mr. Speaker—Your Committee on Engrossment, to whom was referred H. B. No. 67, would most respectfully report the same back, correctly engrossed.

Curtis, *Chairman.*

Report received.

Also, as follows:

Mr. Speaker—Your Committee on Engrossment, to whom was referred H. B. No. 59, respectfully report the same back, correctly engrossed.

Curtis, *Chairman.*

Report received.

The following message was received from the Council:

COUNCIL CHAMBER,
Feb. 5, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the following bills were introduced:

By Tatem: C. B. No. 58, An Act to authorize the Governor to contract for the keeping, clothing and maintenance of the territorial convicts in the United States penitentiary at Deer Lodge, Montana, and to furnish them clothing when discharged, and repeal an act to regulate and govern the penitentiary at Deer Lodge City, M. T., approved May 6, 1873.

By Bass: C. B. No. 59, An Act to provide for the appointment of guardians for persons insane or otherwise incapable of taking care of themselves.

By Cullen: C. B. No. 60, An Act to repeal so much of an act entitled an act in relation to administrators and executors, as provides for the appointment of witnesses to view estates of deceased persons.

That the following bills have passed the Council and are herewith transmitted: C. B. No. 60; H. B. No. 27, with amendments.

That Messrs. Cullen and Watson have been appointed a Committee of Conference on H. B. No. 42.

That the Council has concurred in House amendments to C. B. No. 20.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

H. B. No. 75 was taken up.

Mr. Word moved to amend by striking out all of said bill after the enacting clause and insert the following:

Section 1. That for the purpose of aiding in the construction of a rilroad from the town of Ogden, in the Territory of Utah, or from the town of Corinne, in the said Territory of Utah, or from the town of Franklin, in the Territory of Idaho, to and into the Territory of Montana, to the mouth of the Big Hole river, in said Territory, the sum of four thousand five hundred dollars per mile for the length of railroad hereinafter defined and designated, is hereby contributed by the Territory of Montana, to be paid in the coupon bonds of said Territory, in the manner and upon the terms and conditions prescribed in this act: *Provided*, That none of said bonds shall be executed by the Territory or delivered to any corporation, person or persons whatsoever, except upon the terms and in the manner provided in this act.

Sec. 2. Said railroad shall be built from one of the points mentioned in the preceding section, along and over the nearest and most practicable route to the mouth of said Big Hole river, in the Territory of Montana, and shall be built of good and substantial material, and of a gauge not less than three feet in width, nor more than four feet eight and one-half inches in width. Such railroad shall be finished so that a locomotive and train of cars can pass over the same from some one of the points mentioned in the preceding section, to the terminus aforesaid, within two years from the time that any contract shall be entered into between the commissioners hereinafter designated, and any person or persons, company, corporation or association of persons under and in pursuance of the provisions of this act.

Sec. 3. The bonds that may be issued under the provisions of this act shall be coupon bonds of the Territory of Montana, payable at the city of New York, in the State of New York, twenty years from the date of their issue, and at any time within ten years after the date of their issue, at the pleasure of said Territory. Said bonds shall bear interest at the rate of seven per centum per annum, shall be dated on the day of the issuance and delivery thereof, and shall draw interest from the date thereof. There shall be attached to each bond a coupon for each installment of interest thereon, and the interest shall be due and payable on the first day of January of each year at said city of New York; said bonds shall be signed by the treasurer and auditor of said Territory of Montana, and shall be countersigned by the secretary of said Territory, and when thus issued shall be delivered by the treasurer of said Territory to the person or persons, company, corporation or association of persons contracting to construct said railroad in accordance with the provisions of this act, or to his, its or their order.

Sec. 4. The bonds herein provided for to be issued by the Territory of Montana, shall be procured by the auditor of said Territory, and he shall have the same engraved at the lowest possible cost, which shall be paid out of the general fund of said Territory, by warrant drawn by said auditor upon the territorial treasurer; said bonds shall be of the denomination of one thousand dollars.

Sec. 5. The railroad herein provided for shall be constructed by the person or persons, corporation or association of persons undertaking the same, by sections of fifty miles each, as follows: The first section shall be known as section number 1, and shall commence at the town of Franklin in said territory of Utah, or at some point upon a line running east and west through said town of Franklin and shall extend northerly along the line of said railroad, for a distance of fifty miles. The second section of said railroad shall be known as section number 2, shall commence at the northern terminus of section number 1, and shall extend along the line of said railroad for a like distance of fifty miles, and each succeeding section shall consist of fifty miles in length along the line of said railroad, and shall be numbered in its proper order as hereinbefore indicated, until the whole of the line of said railroad shall be so regularly numbered to the terminus thereof at the mouth of the said Big Hole river.

Sec. 6. The person or persons, corporation or association, accepting the terms and conditions of this act, and contracting to build said railroad under the provisions hereof, shall not be entitled to receive any of the bonds of said Territory herein provided for, until they shall have constructed and placed in good running order with full equipments of engines and rolling stock, of the gague and character prescribed in this act, from some one of the points designated in section 1 of this act, to the northern terminus of said section numbered 1; and when said person or persons, company, corporation, or association, contracting to build said line of railroad, shall have completed the same in the manner aforesaid, from some one of the points described in section 1 of this act, to the northern terminus of said section of said road, numbered 1, and equipped the same with sufficient engines and rolling stock, and shall desire to receive a portion of the aid hereby guranteed. they shall make application for the same to the Governor of the Territory in writing, who, upon receiving such written application, shall at once designate three commissioners, who shall be citizens of the Territory of Montana, disinterested, impartial men, whose duty it shall be to go, at the expense of said railroad corporation or association of individuals, and examine and measure that portion of said line of railroad which may be completed, and make report in writing, under oath, of the result of their examination; and if they shall find on such examination that said road, as constructed, complies with the requirements of this act, they shall so state in their report to the Governor.

Sec. 7. Upon receiving the report of said commissioners, made to the Governor under oath, that the said corporation or association of individuals have complied with the provisions of this act, and have completed section number 1 of said road, and equipped the same as required by this act, the Governor shall immediately thereafter make his order on the Territorial Auditor for the bonds required by this act, and shall deliver the same to the agent or representative of said railroad corporation or association of individuals, which order shall be accompanied by a copy of the report of said commissioners, and which order and copy of report shall be delivered to the Auditor, who shall preserve the same in the files of his office. The order of the Governor upon the Auditor shall direct him to execute and deliver to the Treasurer of the Territory the amount of the bonds herein provided for. That is to say, the amount of aid hereby extended, to be estimated at the rate of four thousand five hundred dollars per mile for each section of fifty miles of said road; and that said person or persons, corporation or association constructing said road, shall be entitled to demand and receive upon the said order of the Governor, the sum of sixty per cent of the amount so computed, and ascertained for said section numbered 1, when the same shall have been completed; and the remaining forty per cent of said amount shall not be issued or delivered to said person or persons, corporation or association, until after the final completion of the said railroad with its equipments and rolling stock, in the manner, and within the time provided by this act. The bonds so delivered by said Auditor to said Treasurer of the Territory, shall be by the latter officer delivered over to the said corporation or its authorized agent, the said Territorial Treasurer taking duplicate receipts therefor, one of which shall be preserved by him, and the other shall be delivered to the Auditor, who shall preserve the same in the files of his office.

Sec. 8. And thereafter when the said person or persons, corporation or association, shall have completed section numbered 2 of said railroad, they may apply to the Governor for the aid they are entitled to under this act, and such application shall be made in the manner provided by the preceding section, and commissioners shall be appointed and first make a report as provided for in the preceding section of this act. The duties of officers shall be the same and the report made in the same manner, as provided in the preceding section; and that thereupon there shall be issued and delivered to such person or persons, corporation or association, in the same manner as heretofore provided, bonds equal to seventy per cent of the amount ascertained as aforesaid for the construction of section number 2 of said road so completed, to be estimated in the same manner provided in the last preceding section. The remaining thirty per cent shall not be issued or delivered until the completion of said railroad as provided by said last preceding section. And upon the completion of section numbered 3 of said road, such person or persons, corporation or association, shall in like manner and upon like conditions be entitled to have and receive in bonds eighty per cent of the amount ascertained in the manner aforesaid. The remaining twenty per cent shall not be issued or delivered until the completion of said railroad as provided by the next preceding section. And upon the completion of section number 4 of said road, such person or persons, corporation or association shall, in like manner and upon like conditions, be entitled to receive in like bonds an amount equal to ninety per cent of the amount so ascertained in the manner aforesaid. The remaining ten per cent shall not be issued or delivered until the completion of said railroad as provided by the next preceding section, and upon the construction and completion of each succeeding section of said road or fractional section thereof, such person or persons, corporation or association, shall be entitled to have and receive like bonds in like manner and upon like conditions, to the full amount of the aid extended by the provisions of this act, to be computed and ascertained in the manner hereinbefore specified. And when the said railroad shall be finally completed in good running order and equipped as provided in this act, the said person or persons, corporation or association, constructing said road shall be entitled to have and receive in Territorial bonds, to be paid in the manner hereinbefore provided, the several amounts which, under the provisions of this act, shall have been reserved from time to time in the construction of the several sections of said road.

Sec. 9. It shall be the duty of the Secretary of the Territory immediately after the passage of this act, to notify the county commissioners of the several counties of this Territory of the passage of this act, and the said county commissioners of the several counties, after having received notice from the Secretary of the Territory of the passage of this act, as hereinafter provided, shall, and it is hereby made the duty of said commissioners, on the 21st day of March, A. D. 1876, to cause to be submitted to the qualified electors of their respective counties the propositions herein contained for their approval or rejection; and if a majority of the electors of the Territory at such elections shall by their votes approve of this act, such fact shall be entered at large upon the journals of their respective counties.

Sec. 10. The county commissioners of the several counties shall give notice of the election herein provided for by publication in one or more newspapers published within such county at least twenty days before such election; or, if no paper be published therein, the same shall be published in one or more newspapers published in the Territory, most likely to give general notice.

Sec. 11. At the election herein provided for, the ballots or votes shall contain the words, "North and South Railroad Aid—Yes;" or, "North and South Railroad Aid—No," and the same rules, regulations, liabilities and penalties prescribed for the conduct of other elections, and liability of officers thereof, and electors within this Territory, shall be observed and enforced at the election herein provided for; and the judges at such election shall truly certify and forward the result of such election, together with the poll-books and ballots so cast, to the board of county commissioners to the county seat of said county within two days after the same shall have been counted and certified, and the said county commissioners shall within ten days thereafter, forward a correct abstract of the votes cast on said proposition at such election, to the Secretary of the Territory; and upon the failure upon the part of any officer or officers herein named to perform the duties prescribed by this act, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine not exceeding $10,000, and be imprisoned in the county jail not less than six nor more than ten months.

Sec. 12. The votes that are cast upon the proposition herein contained, after abstracts of the same shall have been made by the county commissioners of the several counties, and such abstracts shall have been forwarded to the secretary as aforesaid, shall be canvassed in the same manner that the vote for delegate to Congress is canvassed under the existing laws.

Sec. 13. If a majority of the votes cast upon the question hereby submitted shall approve of this act, it shall be the duty of the Secretary of the Territory to announce such fact through one or more newspapers published in the Territory; and thenceforward this act shall be a contract of binding force upon the Territory of Montana, as also upon the corporation or association of individuals that may accept the same as herein provided, for the fulfillment of which contract in every particular, on its part, the good faith and credit of the people of Montana Territory is pledged.

Sec. 14. The county commissioners of the several counties shall, from time to time, levy a special tax, as may be apportioned by the auditor, in the same manner as other taxes are now levied, sufficient in amount to pay the annual interest that may from time to time accrue upon the bonds so issued, as also to provide for the final payment of said bonds.

Sec. 15. That the following named persons, to wit: L. H. Hershfield, O. J. Salsbury, John S. Pemberton, A. H. Mitchell, C. P. Higgins, Phillip Poindexter, I. G. Baker, William Parberry, John Hilderbrand, John J. Mendenhall, C. L. Dahler and Henry Elling, citizens of the Territory of Montana, associated with the Governor of said Territory, shall be and are hereby constituted a "a railroad commission," and a majority of said commission when assembled together, are authorized and empowered to contract with any person or persons, corporation or association, for the construction of a railroad in the manner and in pursuance of the terms, conditions and provisions of this act, and any contract made by virtue hereof shall be reduced to writing, signed and sealed by said commissioners or majority thereof, and the person or persons, corporation or association with whom such contract is made, and such contract, when so made in conformity with the provisions of this act, and a copy thereof filed with the auditor of the Territory, shall bind the Territory to a strict adherence to an enforcement of its provisions.

Sec. 16. That until the aid hereby extended shall be approved by a majority of the qualified electors of said Territory, in the manner provided by section 11 of this act, the said railroad commission shall have no power or authority to make the contract authorized by section fifteen of this act. But after the approval of said aid, by a majority of the qualified electors of said Territory of Montana, the said railroad commission, or a majority thereof, shall have full power and authority to make any contract under and in conformity to the provisions of this act, at any time within one year from the date of such approval, by a majority of the electors, as aforesaid, and if the said railroad commission or a majority thereof, shall fail to make any contract authorized by this act, within one year from the date of the approval of said aid, by the electors aforesaid, their power and authority, under the provisions of this act, shall cease, and this act shall thereafter be null and void, and of no effect.

Sec. 17. The provisions of this act extending aid to any person or persons, corporation or association who may contract to build a railroad upon the conditions herein prescribed, shall apply only to such portions of said road as shall be constructed from a point north of an east and west line running through the said town of Franklin, in the Territory of Utah.

Sec. 18. That in case this act shall be ratified and the aid herein proposed be approved by the electors of this Territory in the manner hereinbefore provided, and a contract shall be made in pursuance of the provisions of this act for the construction of a railroad as hereinbefore provided, the person or persons, corporation or association contracting to build the same, shall construct and fully equip with all necessary rolling stock, at least one hundred miles of the said railroad within one year from the date of the execution of the contract for the construction of said road; and in case of failure so to do, all rights of such person or persons, corporation or association, acquired by virtue of the provisions of this act, or any contract made thereunder, shall be deemed forfeited, and no further claim shall exist or be enforced against this Territory for any bonds herein provided for.

Sec. 19. That nothing herein contained shall be construed to inhibit the Territory from causing *ad valorem* taxes to be levied upon the property of said railroad company within said Territory, as taxes are levied upon other property in this Territory. But all taxes so levied shall be paid by said railroad corporation in the territorial treasury, and no portion thereof shall belong to any county in said territory, anything in the laws now in force to the contrary notwithstanding.

Sec. 20. This act shall take effect and be in force from and after its passage.

Mr. Sanders moved that the House go into Committee of the Whole to consider H. B. No. 75, An Act to enable the people of the Territory of Montana to aid in the construction of a railroad, and the amendments to said bill. Upon which motion the ayes and nays were called.

Ayes — Beal, Brooke, Burkett, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, McKnight, Olds, Rotwitt, Sanders, Stuart, Sweeney, Word, and Mr. Speaker—18.

Nays—Cave, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Reed, Tierney, Woodlock, and Worden—8.

And the motion was adopted and the House resolved itself into Committee of the Whole to consider H. B. No. 75, Mr. Sanders in the chair.

The House resumed, Mr. Speaker in the chair.

Mr. Sanders reported as followa:

MR. SPEAKER—Your Committe of the Whole House have had under consideration H. B. No. 75, with amendments offered thereto, have instructed me to report progress and ask leave for the committee to sit again.

W. F. SANDERS, *Chairman.*

Report received.

On motion of Mr. Carmichael, the House took a recess until 2 o'clock P. M.

2 o'clock P. M.—The House resumed, Mr. Speaker in the chair.

Roll called—members all present.

Mr. Curtis reported as follows:

MR. SPEAKER—Your Committee on Engrossment, to whom was referred H. B. No. 78, would most respectfully report the same back correctly engrossed.

CURTIS, *Chairman.*

Report received.

On motion of Mr. Sanders, the House resolved itself into Committee of the Whole to consider H. B. No. 75, Mr. Sanders in the chair.

House resumed, Mr. Speaker in the chair.

The following message was received from the Council:

COUNCIL CHAMBER,
Feb. 7, 1876.

MR. SPEAKER—I am directed by the Council and herewith return H. B. No. 41 to your honorable body.

That H. J. M. No. 5 has passed the Council.

That the Council have adopted the report of the Committee of Conference on C. B. No. 14, and adhere to their non concurrence in House amendments to said bill.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Mr. Word moved to adjourn, which motion was lost.

On motion of Mr. McCormick, the House took a recess until 7 P. M.

7 o'clock P. M.—The House resumed, Mr. Speaker in the chair.

Roll called—members all present.

H. J. M. No. 5 was ordered enrolled.

No objections being offered, Mr. Curtis withdrew H. B. No. 41, An Act for the relief of D. H. Linebarger, and for the release of his official bondsmen as such.

On motion of Mr. Curtis, the House concurred in Council amendments to H. B. No. 27, An Act to incorporate the town of Helena, and the bill was ordered enrolled.

Mr. Sanders, Chairman of the Committee of the Whole, presented the following report:

MR. SPEAKER—Your Committee of the Whole House, to which was referred H. B. No. 75, A Bill for an act to enable the people of the Territory of Montana to aid in the construction of a railroad, with the amendments recommended and offered thereto, has had the same under consideration, and has instructed me to report the bill back, with the following amendments, to wit:

1st. Strike out the words "Big Hole river," where they occur in said bill, and insert the words "White Tail Deer creek," in lieu thereof. Also, strike out the words "gold," or "in gold," where they occur in said bill. Also, strike out section 3 of said bill, and insert the following: "Section 3. The bonds that may be issued under the provisions of this act shall be coupon bonds of the Territory of Montana, payable at the city of New York, in the state of New York, twenty years from the date of their issue and at any time within ten years after the date of their issue, at the pleasure of said Territory. Said bonds shall bear interest at the rate of seven per centum per annum, shall be dated on the day of the issuance and delivery thereof, and shall draw interest from the date thereof. There shall be attached to each bond a coupon for each installment of interest thereon, and the interest shall be due and payable on the first day of January of each year, at said city of New York. Said bonds shall be signed by the Treasurer and Auditor of said Territory of Montana, and shall be countersigned by the Secretary of said Territory, and when thus issued shall be delivered by the Treasurer of said Territory to the person or persons, company, corporation or association of persons, contracting to construct said railroad, in accordance with the provisions of this act, or to his, its or their order."

2nd. Strike out the word "eighty" where it last occurs in section 5, and insert in lieu thereof the words "one hundred and ten." Also, strike out section 6 and insert in lieu thereof the following: "Section 6. The person or persons, corporation or association, accepting the terms and conditions of this act, and contracting to build said railroad under the provisions hereof, shall not be entitled to receive any of the bonds of said Territory herein provided for until they shall have constructed and placed in good running order, with full equipments of engines and rolling stock of the guage and character prescribed in this act, from some one of the points designated in section 1 of this act to the northern terminus of said section numbered 1. And when said person or persons, company, coporation or association, contracting to build said line of railroad, shall bave completed the same in the manner aforesaid, from some one of the points designated in section 1 of this act, to the northern terminus of said section of said road, numbered 1."

3d. Strike out section 9 of said bill, and insert in lieu thereof the following: "Section 9. It shall be the duty of the Secretary of the Territory, immediately after the passage of this act, to notify the county commissioners of the several counties of this Territory of the passage of this act, and the said county commissioners of the several counties, after having received notice from the Secretary of the Territory of the passage of this act, as hereinafter provided, shall, and it is hereby made the duty of said commissioners, on the 21st day of March, A. D. 1876, to cause to be submitted to the qualified electors of their respective counties the propositions herein contained for their approval or rejection; and if a majority of the electors of the Territory at such elections shall by their votes approve of this act, such fact shall be entered at large upon the journals of their respective counties."

4th. Strike out section 11, and in lieu thereof insert the following: "Section 11. At the election herein provided for the ballots or votes shall contain the words "North and South Railroad, aid—yes," or "North and South Railroad, aid—No," and the same rules, regulations, liabilities and penalties prescribed for the conduct of other elections, and liability of officers thereof, and electors within this Territory, shall be observed and enforced at the election herein provided for."

5th. Strike out section 12, and in lieu thereof insert the following: "Section 12. The votes that are cast upon the proposition herein contained, after abstracts of the same shall have been made by the county commissioners of the several counties, and such abstracts shall have been forwarded to the Secretary as aforesaid, shall be canvassed in the same manner that the vote for delegate to Congress is canvassed under the existing laws." Also, strike out the words "semi-annually," where they occur in the bill and insert the word "annually," in lieu thereof. Also, strike out the words "and the first day of July," where they occur in section 3 of the bill consecutively. Also, add to section 17 of the bill the following: And the said taxes shall be set aside and constitute a fund for the payment of the interest and principal upon the bonds authorized to be issued under the provisions of this act, as the same shall become due and payable.

Your Committee recommend that the foregoing amendments be adopted. It has further instructed me to report the bill back with the amendments, without further recommendation, all of which is respectfully submitted.

W. F. SANDERS, *Chairman.*

House bills were introduced as follows:

By Moore, of Deer Lodge: H. B. No. 82, An Act authorizing the county commissioners of Deer Lodge county to pay certain claims, read first and second times, and referred to the members from Deer Lodge county.

By Burkett: H. B. No. 83, An Act requiring probate judges to give bonds as trustees of town site funds, and for other purposes, read first and second times, rules suspended, read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney Tierney, Woodlock, Word, Worden, Speaker—26.

Nays—None.

The title was agreed to.

By Stuart: H. B. No. 84, An Act to preserve the Territorial Library, read first and second times and referred to the lawyer members of the House.

By Carmichael: H. B. No. 85, An Act apportioning the members of the Legislative Assembly and prescribing the time of their election, read first and second times, and, on motion of Mr. Sanders, the bill was amended so as to strike out 1878 where it occurs in section 1, line —, and insert 1877.

The bill as amended was referred to the Committee on Elections.

Mr. Curtis, Chairman of the Committee on Engrossment, reported as follows:

MR. SPEAKER—Your Committee on Engrossment, to whom was referred H. B. No. 38, respectfully report the same back correctly engrossed.

CURTIS, *Chairman.*

Report received.

H. B. No. 20, A Bill for an act to regulate and establish the fees of the clerks of the district court, was read the third time and passed.

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—25.

Nays—None.

Absent—Curtis.

The title was agreed to.

Mr. Ford moved to indefinitely postpone H. B. No. 75, which motion was lost by the following vote:

Ayes—Cave, Ford McCormick, Rotwitt, Tierney, Woodlock, Worden—7.

Nays—Beal, Brooke, Burkett, Carmichael, Chessman, Clewell, Curtis, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Sanders, Stuart, Sweeney, Word, Speaker—19.

Mr. Word moved to amend section 1 by striking out "$1,500,000, and insert "$1,250,000,"

Motion was lost by the following vote:

Ayes—Curtis, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, Olds, Reed, Rotwit, Word, and Mr. Speaker—9.

Nays—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Ford, Mead, McCormick, McKnight, Sanders, Stuart, Sweeney, Tierney, Woodlock, Worden—17.

Mr. Word moved to amend by striking out "$1,500,000," and insert "$1,300,000."

Mr. McCormick moved to lay that motion on the table. Lost.

On the vote being taken upon the adoption of Mr. Word's amendment, it was lost.

Mr. Word moved to amend section 15, by inserting as follows; After the word "Dillon," the words "C. L. Dahler, Jno. H. Wing, W. A. Clarke, A. Lannue, O. J. Salisbury and T. C. Power.

Motion lost.

Mr. Word moved to strike out the words "on deposit as hereinafter provided," in line 38, section 7.

Motion lost.

Mr. McKnight gave notice of a bill for the relief of Seth Bullock.

On motion of Mr. Sanders, the House adjourned.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. Barret, *Chief Clerk.*

THIRTY-SEVENTH DAY.

House of Representatives,
Helena, M. T., Feb. 8, 1876.

The House met pursuant to adjournment, Mr. Speaker in the Chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Speaker announced that he had signed House Bills Nos. 20, 35, 38 and H. J. M. No. 5.

Mr. Carmichael reported as follows:

Mr. SPEAKER—Your Committee on Enrollment have examined H. J. M. No. 5, and find the same correctly enrolled.

CARMICHAEL, *Chairman*.

Report received.

The following message was received from the Council:

COUNCIL CHAMBER,
Feb. 7, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that Mr. Cullen introduced C. B. No. 61, An Act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice in the Territory of Montana, approved January 12, 1872, and for other purposes.

That H. B. No. 63 was lost in the Council.

That C. J. R. No. 7, and C. B. No. 44, An Act to encourage the construction of the Northern Pacific railroad in the Territory of Montana, have passed the Council, and are herewith transmitted.

That House Bills Nos. 57, 73, 21 and 65 have passed the Council, and are herewith transmitted.

That Council Bills Nos. 58, 54, 53, 32, 3, 42, 57, 63, and 48 have passed the Council, and herewith transmitted.

That H. B. No. 7 has passed the Council, with amendments.

That C. B. No. 59 has passed the Council, title amended to read, *An Act to provide for the appointment of guardians for persons insane.*

That H. B. No. 35 has been indefinitely postponed in the Council.

That C. J. R. No. 6, in relation to printing, has passed the Council.

That Mr. Lewis introduced C. B. No. 62, An Act to prohibit the sale of intoxicating liquors on general election days.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

House Bills Nos. 57, 65, 73, 21, 66, 16 and 62 were ordered enrolled.

Mr. Word offered the following amendment to H. B. No. 75:

"Section 22. The person or persons, corporation or associations of persons accepting the terms of this act for the construction of a railroad under the provisions and upon the terms and conditions prescribed in this act, shall not, for the period of five years after the completion of the railroad authorized to be built by this act, have or receive any greater rates for freight or passenger fare over said railroad than the following: For through freights over the line of said railroad, two and one-half cents per ton per mile; for local freight, three cents per ton per mile. For through first-class passenger fare over said railroad, six cents per mile; for local passenger fare, seven cents per mile."

Mr. Sanders offered to amend Mr. Word's amendment, by substituting the following:

"That the Legislative Assembly of this Territory, and the legislative authority of any state to be formed out of such Territory, shall, notwithstanding anything herein contained, have authority to regulate the rates of fare and freight as is provided in sections 22 and 23 of an act to provide for the formation of railroad corporations in the Territory of Montana, passed in 1873."

Which amendment was lost.

Mr. Burkett moved that the vote by which Mr. Sanders's substitute for Mr. Word's amendment was lost be reconsidered.

Mr. Sanders's substitute was then adopted.

On motion of Mr. Sanders, sections 21 and 22 were transposed.

Mr. Beal moved adoption of the following amendments:

Amend section 1 by striking out the word "two" after the word "Montana," in — line, and inserting in lieu thereof the words "*by way of the mouth of the Big Hole river.*"

Also insert after the word "route," in section 2, the words "*by way of the mouth of the Big Hole river.*"

BEAL.

Which motion was adopted.

Mr. Carmichael in the chair.

On motion of Mr. Sanders, the amendments of the Committee of the Whole were taken up, and adopted separately.

On motion of Mr. McCormick, the words "21st day of March," in section 9, were stricken out, and the words "3d day of April" inserted in lieu thereof.

On motion of Mr. Sanders, the following amendment was added to section 9, after the word "Territory" the words "voting in such county."

Also, add to said section 9 the words "and if a majority of the electors of the Territory voting in such county shall by their votes disapprove of this act by voting, north and south railroad aid—no, such fact shall be entered at large upon the journals of their respective counties, with the number of votes cast for and against such proposition."

On motion of Mr. Langhorne, the bill was then ordered engrossed for a third reading, as amended.

H. B. No. 53 was then taken up and passed by the following vote:

Ayes—Brooke, Burkett, Cave, Carmichael, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Woodlock, Word, Worden, Speaker—15.

Nays—Beal, Chessman, Clewell, Curtis, Ford, Mead, Rotwitt, Sanders, Stuart, Sweeney, Tierney—11.

Mr. McCormick moved to reconsider the vote by which H. B. No. 53 was passed.

Mr. McKnight moved to lay that motion on the table, which motion was lost by the following vote:

Ayes—Cave, Carmichael, Kenneally, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Woodlock, Word, Worden, and Mr. Speaker—12.

Nays—Beal, Brooke, Burkett, Chessman, Clewell, Curtis, Ford, Mead, Moore, of Gallatin, Rotwitt, Sanders, Stuart, Sweeney, Tierney—14.

On motion of Mr. Curtis, the House took a recess until 2 o'clock P. M.

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2 o'clock P. M.—The House resumed.

Mr. Speaker in the Chair.

Roll called—members all present.

Upon the motion to reconsider H. B. No. 53, there were ayes—Burkett, Chessman, Clewell, Curtis, Ford, Mead, Rotwitt, Sanders, Stuart, Sweeney, Tierney—11.

Aays—Beal, Brooke, Cave, Carmichael, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Woodlock, Word, Worden, Speaker—15.

The title was agreed to.

On motion of Mr. McCormick, the rules were suspended and H. B. No. 59 was read by its title and passed.

Ayes—Beal, Burkett, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, McCormick, McKnight, Olds, Rotwitt, Sanders, Stuart, Woodlock, Worden, Speaker—17.

Nays—Brooke, Curtis, Mead, Moore, of Gallatin, Moore, of Deer Lodge, Reed, Sweeney, Tierney, and Word—9.

The title was agreed to.

Substitute for H. B. No. 67, An Act concerning exemption, was read the third time and passed.

Ayes—Beal, Brooke, Burkett, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—24.

Nays—Cave, and Moore, of Deer Lodge—2.

The title was agreed to.

Mr. Curtis reported as follows:

Mr. Speaker—Your Committee on Engrossment, to whom was referred H. B. No. 75, respectfully report the same back, correctly engrossed.

Curtis, *Chairman.*

Report received.

H. B. No. 75, An Act to enable the people of the Territory of Montana to aid in the construction of a railroad.

On motion of Mr. Carmichael, the rules were suspended, the bill read the third time by its title, and passed.

Those voting aye were—Messrs. Beal, Brooke, Burkett, Carmichael, Chessman, Clewell, Curtis, Kenneally, Mead, Moore, of Gallatin, Olds, Reed, Sanders, Stuart, Sweeney, Word, Speaker—17.

Nays—Cave, Ford, Moore, of Deer Lodge, McCormick, McKnight, Rotwitt, Tierney, Woodlock, and Worden—9.

Mr. Cave moved to amend the title so as to read, "Montana gift enterprise." Motion lost.

The title was then agreed to.

H. B. No. 78, An Act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena, was read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—24.

Nays—Cave and Moore, of Deer Lodge—2.

The title was agreed to.

On motion of Mr. Sanders, H. B. No. 38 was re-committed to the Committee on Engrossment.

On motion of Mr. Sanders, H. B. No. 81, A Bill for an act relative to schools, was considered engrossed, read the third time and passed.

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Speaker—24.

Nays—none.

Absent—Curtis and Worden.

The title was agreed to.

H. B. No. 69 was taken up, and the amendments reported by the committe were adopted, and the bill ordered engrossed for third reading.

H. B. No. 70 was taken up.

Mr. Sanders moved to indefinitely postpone the bill, which motion was lost by the following vote:

Ayes—Beal, Brooke, Burkett, Chessman, Moore, of Gallatin, McKnight, Rotwitt, Sanders, Stuart, and Worden—10.

Nays—Carmichael, Clewell, Ford, Kenneally, Mead, Moore, of Deer Lodge, McCormick, Olds, Reed, Sweeney, Tierney, Woodlock, Word, Speaker—15.

The amendments as reported by the committee were then adopted, and the bill ordered engrossed for a third reading.

Mr. Chessman, of the Committee on Engrossment, reported as follows:

MR. SPEAKER—Your Committee on Engrossment beg leave to report back House Bill No. 38, An Act concerning the management of live stock, correctly engrossed.

CHESSMAN.

Report received.

H. B. No. 76 was ordered engrossed with amendments for third reading.

H. B. No. 71 was taken up, and on motion of Mead a substitute was adopted, read first and second times, and ordered engrossed for third reading.

H. B. No. 77 was taken up, and the amendments reported by the committee were adopted, and the bill ordered engrossed for a third reading.

H. J. M. No. 4 was, on motion of Mr. McCormick, considered engrossed, read the third time and passed.

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Mead, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—24.

Nays—Curtis and Moore, of Gallatin—2.

The title was agreed to.

On motion of Mr. Carmichael, the rules were suspended and H. B. No. 38, an act concerning the management of live stock, was read the third time by its title and passed.

Ayes—Brooke, Burkett, Carmichael, Chessman, Clewell, Curtis, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Stuart, Woodlock, Word—16.

Nays—Beal, Cave, Ford, McCormick, Reed, Rotwitt, Sanders, Sweeney, Tierney, Worden, and Mr. Speaker—10.

Mr. Ford moved to amend the title as follows:

Mr. Speaker—I move to amend the title so that it will read as follows: "An act of profit, with the avowed purpose of providing for enough estrays to pay the expenses of the stock growers of Beaver Head, Deer Lodge, Jefferson, and a portion of Madison, counties, to round-up their cattle, and most especially the county of Jefferson," upon which motion the ayes and nays were demanded.

Those voting aye were—Beal, Ford, McCormick, Reed, and Mr. Speaker—5.

Those voting nay were—Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden—21.

The title was then agreed to.

H. B. No. 26 was ordered enrolled.

Mr. Sanders presented resolutions from certain grangers in Prickley Pear valley in relation to railroads and subsidy.

The following message was received from the Council:

COUNCIL CHAMBER,
Feb. 8, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that H. Bs. Nos. 26 and 64 have passed the Council.

That H. B. No. 34 has passed the Council, with amendments.

That C. B. No. 34, An Act relative to the Territorial Library, C. B. No. 23, An Act for the relief John Quirk, and C. B. No. 64, An Act for the relief of Henry Sonnefield, have passed the Council.

That C. B. No. 29, with title amended to read, "An Act for the relief of Seth Bullock," has passed the Council, and that the foregoing bills are herewith transmitted.

Respectfully,

HARVEY R. COMLY,
Chief Clerk.

Mr. Curtis, from the Committee on Ways and Means, reported as follows:

Mr. Speaker—Your Committee of Ways and Means, to whom was referred H. B. No. 43, respectfully report the same back with the following recommendation: Strike out in third sub-division, in lines 7 and 8, the word "seventy-five," and insert in lieu thereof "one hundred dollars per year."

Curtis, *Chairman.*

Also, as follows:

Mr. Speaker—Your Committee of Ways and Means, to whom was referred C. B. No. 16, have had the same under consideration, and recommend the following amendment: Strike out in line 3, section 5, the word "five," and insert "twelve" in lieu thereof, and, as amended, recommend that it do pass.

Curtis, *Chairman.*

Reports received.

Mr. Beal, Chairman of Committee on Education and Labor, reported as follows:

Mr. Speaker—Your Committee on Education and Labor, to which the petition of E. T. Johnson and others was referred, have had the same under consideration. However much your Committee may regret the prejudices of the people against mixed schools, your Committee are compelled to recognize it as an existing fact. The provisions of the law as it now exists, bear heavily upon the various school districts. The equal school privileges which by the constitution and laws of the United States are secured to colored children, frequently lead to the necessity, under section 33 of the school law, of expending large sums of money for the education of a few colored children. There is no district within this Territory in which there are ten children of African descent, who wish to avail themselves of the privileges of our common schools. But as a lesser number are entitled to schools as good, and for as long a period as is given other children, the school privileges given to white children have to be largely curtailed in order that the separate colored school may be kept. While your Committee would not compel mixed schools, it is nevertheless of the opinion that cases may occur where the districts would desire that the one or more children of color should have some proper place in the regular school room, rather than that the fund for school purposes be divided, and the entire educational facilities impaired by maintaining two schools, one of which is for no more than from one to a half dozen scholars, and it is the further opinion of your Committee that each district should regulate its own affairs in this matter, and they ask leave to bring in the following bill and recommend its passage, all of which is respectfully submitted.

BEAL,
Chairman of Committee of Education and Labor.

Report received.

H. B. No. 43 was ordered engrossed.

Mr. Word reported as follows from Judiciary Committee:

MR. SPEAKER—Your Committee on Judiciary, to whom was referred H. B. No. 79, C. B. No. 52, C. B. No. 36, H. B. No. 74, H. B. No. 49, H. B. No. 37, C. B. No. 19, H. B. No. 32, H. B. No. 31, H. B. No. 5, C. B. No. 60, C. B. No. 21, H. B. No. 68, H. B. No. 8, H. B. No. 4, H. B. No. 3, and C. B. No. 41, beg leave to report the same back to the House without recommendation.

WORD, *Chairman.*

Report received.

Mr. Stuart reported as follows:

MR. SPEAKER—Your Select Committee, consisting of the delegation from Deer Lodge county, to whom was referred H. B. No. 82, An Act to authorize the county commissioners of Deer Lodge county to pay certain claims, beg leave to report the same back to the House without recommendation.

STUART,
WOODLOCK,
MOORE,
BURKETT,
BEAL.

Report received.

Mr. Curtis in the chair.

Mr. Moore, of Deer Lodge, moved that 1,000 copies of the Auditor's and Treasurer's reports be printed for this House.

Mr. Langhorne moved to strike out "1,000" and insert "300." Also, strike out all after the word "printed."

Adopted.

And the motion was then adopted, as amended.

C. B. No. 20, An Act encouraging the Northern Pacific railroad in the Territory of Montana, read first and second times, and Mr. McCormick moved that the rules be suspended and the bill read the third time and put upon its final passage.

Mr. Mead moved to amend by referring to a Select Committee of one from each county, with *instructions to report* at 10½ o'clock A. M. to-morrow. Lost.

Mr. McCormick's motion to suspend the rules was then lost by the following vote:

Ayes—Cave, Curtis, Ford, Kenneally, Moore, of Gallatin, McCormick, McKnight, Reed, Tierney, Woodlock, Word, Worden, and Mr. Speaker—13.

Nays—Beal, Brooke, Burkett, Carmichael, Chessman, Clewell, Mead, Moore, of Deer Lodge, Olds, Rotwitt, Sanders, Stuart, and Sweeney—13.

Mr. Rotwitt moved to refer the bill to a Select Committee of one from each county, with instructions to report at 7½ o'clock this P. M.

Mr. Sanders moved to amend to insert 10½ o'clock to-morrow, upon which motion the ayes and nays were called.

Ayes—Beal, Brooke, Burkett, Carmichael, Chessman, Clewell, Mead, Olds, Sanders, Stuart, and Word—11.

Nays—Cave, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Reed, Rotwitt, Sweeney, Tierney, Woodlock, Worden, and Mr. Speaker—15.

Upon the vote to adopt Mr. Rotwitt's motion the ayes were:

Cave, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—17.

Nays—Beal, Brooke, Burkett, Carmichael, Chessman Clewell, Mead, Sanders, and Stuart—9.

And the motion prevailed.

Mr. Speaker announced the following named persons as such committee—McKnight, Word, Woodlock, Reed, Curtis, Cave, Rotwitt, Mead, and Ford.

H. B. No. 64 was ordered enrolled.

On motion of Mr. Curtis, the House took a recess until 7 o'clock P. M.

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7 P. M.—House resumed, Mr. Speaker in the chair.

Roll called—members all present.

The following communication was received from the Council:

Council Chamber,
Feb. 8, 1876.

Mr. Speaker—I am instructed by the Council to inform your honorable body that the following bills have passed the Council, to-wit:

H. B. 33, An Act to provide for biennial elections in the Territory of Montana, with amendments.

H. B. No. 80, A Bill for an act fixing the time of meeting of the Legislative Assembly, with amendments.

H. B. No. 20, An Act to regulate and establish the fees of the clerk of the district court.

Very Respectfully,
Harvey R. Comly,
Chief Clerk.

H. B. No. 20, An Act to regulate and establish the fees of district clerk, was ordered enrolled.

On motion of Carmichael, the House concurred in Council amendments to H. B. No. 80, and the bill was ordered enrolled.

On motion of Mr. McCormick, the House concurred in Council amendments to House Bill No. 33, and the bill was ordered enrolled.

On motion of McCormick, the House concurred in Council amendments to H. B. No. 34, and the bill was ordered enrolled.

On motion of McCormick, the House concurred in Council amendments to H. B. No. 7, and the bill was ordered enrolled.

C. B. No. 23, An Act for the relief of John A. Quirk, read first and second times, and referred to the Committee on Territorial Affairs.

C. B. 64, An Act for the relief of Henry Sonnefield, read first and second times, and referred to Committee on Territorial affairs.

C. B. No. 34, An Act relative to Territorial Library, read first and second times, and referred to Committee on Territorial Affairs.

C. B. No. 29, An Act for the relief of Seth Bullock, read first and second times, and referred to the Committee on Territorial Affairs.

C. B. No. 59, An Act to provide for the appointment of guardians for persons insane, read first and second times, and referred to the Committee on Territorial Affairs.

The Select Committee, to whom was referred C. B. No. 44, were granted until 2½ o'clock P. M. to-morrow, to make their report.

Mr. Worden reported as follows:

MR. SPEAKER—Your Committee on Engrossment report House Bills Nos. 71 and 77, herewith correctly engrossed.

WORDEN.

Report received.

C. B. 54, An Act to protect the county treasury, was read first time, and on motion of Carmichael, was rejected.

C. B. No. 32 was read first time, and rejected.

C. B. No. 53 was read first time, and rejected.

C. B. No. 3 was read first time, and rejected.

C. B. 48, An Act concerning water rights, was read first and second times, and amended by striking out "$1.00 per inch," and inserting "10 cents per inch."

The bill was then referred to Committee on Agriculture and Manufactures.

C. B. 58, An Act to authorize the Governor to contract for the keeping of the Territorial convicts, read first and second times, and referred to the Committee on Territorial Affairs.

Mr. Curtis in the chair.

C. B. No. 63 read first time and rejected.

C. B. No. 42 read first time and rejected.

C. B. No. 33 read first time, and on motion of Mr. Sanders was rejected.

Mr. Word appealed from the decision of the chair. Chair sustained.

C. J. R. No. 6 was read first and second times, and referred to the Committee on Ways and Means.

C. J. R. No. 7 was read first and second times, and was referred to the Committee on Ways and Means.

Mr. McCormick moved to adjourn.

Motion lost.

Committee on Education introduced H. B. No. 86, An Act relative to schools, read first and second times, and on motion of Carmichael, the rules were suspended, considered engrossed, read the third time, and passed by the following vote:

Ayes—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer

Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—24.

Nays—Mead.

Absent—Burkett.

The title was agreed to.

By Tierney: H. B. 86, An Act to provide for the redemption of the outstanding twelve per cent bonds of Meagher county, and for other purposes, read first and second times, and on motion the rules were suspended, the bill considered engrossed, read the third time, and passed.

Ayes—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—25.

Nays—None.

Absent—Burkett.

Title agreed to.

On motion of Curtis, the House adjourned.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
HELENA, M. T., Feb. 9th, 1876.

The House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Carmichael reported as follows:

MR. SPEAKER—Your Committee on Enrollment have examined H. Bs. Nos. 73, 64, 16, 21, 80, 65, 62, and 57, and find the same correctly enrolled.

CARMICHAEL, *Chairman.*

Report received.

On motion of Mr. Sweeney, the following resolutions were adopted:

Resolved, By the Legislative Assembly of Montana Territory, convened at the Capitol in Helena, the ninth session, that we cherish in memory a high regard for the manly worth, legislative acquirements and legal abilities of the Hon. Robert Lawrence, who departed this life since the last meeting of the Legislative Asembly.

Resolved, That we are mindful of his public services while representing Montana's interests with fidelity, in the first Legislative Assembly, presiding over the Council with impartial dignity, hoping for the welfare of the Territory, and we now condole with his bereaved family and relatives on account of the loss they have sustained.

Resolved, That these resolutions be entered upon the records of the two Houses of the Territorial Assembly this session, and a copy of the same be transmitted to the family of the deceased by the Chief Clerk.

Bills were introduced as follows:

By Mr. Carmichael: H. B. No. 88, An Act relating to the distribution and preservation of the published laws of Montana Territory, and for other purposes.

Read first and second times and referred to the Committee on Judiciary.

By Mr. Chessman: H. B. No. 89, An Act concerning firemen.

Read first and second times, rules suspended, considered engrossed, read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—25.

Nays—None.

Absent—Mr. Carmichael.

Title agreed to.

Mr. Speaker announced that he had signed H. Bs. Nos. 16, 21, 57, 62, 64, 66, 73, and 80, and C. B. No. 30.

By Mr. McKnight: H. B. No. 90, An Act for the relief of Seth Bullock.

Read first and second times and referred to the Committee on Territorial Affairs.

H. B. No. 77, A Bill for an act to provide for the insane, was read the third time and passed by the following vote:

Ayes Beal, Brooke, Cave, Chessman, Clewell, Curtis, Ford, Mead, McCormick, Olds, Reed, Rotwitt, Stuart, Worden—14.

Nays—Burkett, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Sanders, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—11.

Absent—McCormick.

Title agreed to.

Substitute H. B. No. 71, An Act prescribing the jurisdiction of courts in criminal cases, was read the third time and passed.

Ayes—Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Worden, Speaker—23.

Nay—Word.

Absent—Carmichael and Beal.

Mr. Sanders moved to indefinitely postpone H. B. No. 82, which motion was carried by the following vote:

Ayes—Beal, Brooke, Burkett, Chessman, Clewell, Curtis, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Tierney, Worden—14.

Nays—Cave, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Woodlock, Word and Speaker—10.

Absent—Carmichael and Sweeney.

H. B. No. 37, An Act to tax jury fees.

On motion of Mr. Sanders the word "ten" in section 1 was stricken out and the word "six" inserted in lieu thereof.

Mr. Moore, of Deer Lodge, moved to indefinitely postpone H. B. No. 37. Lost.

On motion of Mr. Carmichael, the rules were suspended and the clerk instructed to insert the amendment to H. B. No. 37 in presence of the House.

The bill was then read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Tierney, Woodlock, Worden, Speaker—23.

Nays—Moore, of Deer Lodge, and Word—2.

Absent—Sweeney.

The title was agreed to.

H. B. No. 79, An Act to amend section 73 of chapter 6 of the criminal laws of Montana Territory.

Mr. Curtis moved to indefinitely postpone the bill, which motion was lost.

On motion of Mr. McCormick, the rules were suspended, the bill considered engrossed, read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Woodlock, Word, Speaker—21.

Nays—Carmichael, Curtis, Mead, Tierney, Worden--5.

The title was agreed to.

On motion of Mr. Sanders, the House took a recess until 2 o'clock P. M.

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2 o'clock P. M.—The House resumed.

Mr. Speaker in the Chair.

Roll called—members all present.

H. B. No. 74, An Act in relation to levies.

On motion of Mr. Chessman, the rules were suspended, the bill considered engrossed, read the third time, and passed by following vote:

Ayes—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—24.

Nays—Burkett and Mead.

Title agreed to.

Mr. Curtis reported as follows:

MR. SPEAKER—Your Committee on Engrossment, to whom was referred H. B. No. 69, respectfully report the same back correctly engrossed.

CURTIS, *Chairman.*

Report received.

Also, as follows:

MR. SPEAKER—Your Committee on Engrossment, to whom was referred H. B. No. 76, respectfully report the same back correctly engrossed.

CURTIS.

Report received.

Also, as follows :

MR. SPEAKER—Your Committee on Engrossment, to whom was referred H. B. No. 43, respectfully report the same back correctly engrossed.

CURTIS.

Report received.

H. B. No. 68, An Act for the relief of minor heirs in certain cases.

On motion, the rules were suspended, the bill considered engrossed, read the third time, and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, and Worden —22.

Nays—Curtis, Word, and Mr. Speaker—3.

The title was agreed to.

On motion of Mr. Beal, the vote by which H. B. No. 82 was indefinitely postponed was reconsidered.

On motion of Mr. Burkett, H. B. No. 31 was indefinitely postponed by the following vote :

Ayes—Beal, Brooke, Burkett, Curtis, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Reed, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—17.

Nays—Cave, Carmichael, Chessman, Clewell, Ford, McKnight, Olds, Rotwitt, and Sanders—9.

H. B. No. 32, An Act to amend an act to regulate and establish the fees of county clerks and recorders. Mr. Curtis moved to indefinitely postpone the bill. Upon which motion the ayes and nays were called.

Ayes—Beal, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Reed, Stuart, Sweeney, Woodlock, and Word—15.

Nays—Brooke, Carmichael, Chessman, Clewell, McKnight, Olds, Rotwitt, Sanders, Tierney, Worden, and Mr. Speaker—11.

And the motion prevailed.

Mr. McKnight reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred Council Bill No. 44, have duly considered the same and beg leave to report as follows:

Amend section 5 by adding after the word "act," in the last line of the section, as follows: "*And provided further*, That if the said railroad company shall fail to provide for the payment of the interest on said bonds when they shall become due and payable as hereinbefore provided, and shall fail to make such provisions for the space of sixty days after demand in writing shall be made by the Governor of the Territory on behalf of said Territory, at the office of said company in the city of New York (said written demand to be served upon the employe or person in charge or possession of such office), then, and in that event, an action may at once be brought in the name of the Territory of Montana, to enforce the said lien upon the road-bed and other property hereinbefore mentioned. for the whole amount of said bonds and interest, in the same manner as if the said bonds had become due and payable; *And provided further*. That the said railroad company shall, on or before the first day of January, A. D. 1877, build, construct and put in operation at least fifty miles of said road westward from Bismarck, in the Territory of Dakota, otherwise this act and all agreements thereunder to be null and void and of no effect."

Insert the following in lieu of section 16, and number 16 and 17: "Immediately after the passage of this act by both Houses of the Legislature, and said act shall have become a law, the Secretary of the Territory shall be required to forward to the North Pacific railroad company, in the city of New York, a certified copy of this act, and that said North Pacific railroad company shall, by the 15th day of March, A. D. 1876, notify the Governor of this Territory of their willingness to accept the propositions contained in this act: *Provided*, This act shall be ratified by a majority of the legal voters of the Territory of Montana, as provided for in section 9 of this act. And in case the said railroad company fail to notify the Governor of their willingness to accept the provisions of this act as hereinbefore mentioned, then in that case there shall be no election held, as provided for in this act, and this act shall be null and void."

With these amendments your Select Committee would recommend that the bill do pass.

McKnight, *Chairman.*

Report received and adopted.

Mr. Stuart moved to reconsider the vote by which H. B. No. 75 was passed, which motion was lost.

Mr. McCormick moved that H. B. No. 49 be indefinitely postponed. Upon which the previous question was ordered, and the motion prevailed by the following vote:

Ayes—Beal, Burkett, Cave, Carmichael, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, Olds, Reed, Rotwitt, Stuart, Sweeney, Tierney, Woodlock, Worden, and Mr. Speaker—18.

Nays—Brooke, Chessman, Clewell, Curtis, Mead, McKnight, Sanders, and Word—8.

Mr. Clewell moved a call of the House.

Roll called—Moore, of Deer Lodge, absent.

Mr. Moore reported in his seat.

The further call of the House was then dispensed with.

H. B. No. 82 was read the third time and passed by the following vote:

Ayes — Beal, Cave, Carmichael, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Sweeney, Woodlock, and Word—13.

Nays—Brooke, Burkett, Chessman, Clewell, Olds, Reed, Rotwitt, Sanders, Stuart, Tierney, Worden, and Mr. Speaker —12.

Absent—Mr. Curtis.

The title was agreed to.

H. B. No. 4 was ordered engrossed for a third reading.

H. B. No. 5 was re-committed to the Judiciary Committee.

H. B. No. 8 was ordered engrossed for a third reading.

On motion of Mr. Word, H. B. No. 76, An Act to re-locate the seat of government, was indefinitely postponed by the following vote:

Ayes—Beal, Brooke, Cave, Chessmann, Clewell, Ford, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Word, Worden, and Mr. Speaker—19.

Nays—Burkett, Carmichael, Kenneally, McCormick, Olds, Woodlock—6.

Absent—Curtis.

H. B. No. 69, An Act regulating costs in criminal cases, was read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—25.

Absent—Mr. McCormick.

The title was agreed to.

H. B. No. 3 was ordered engrossed for third reading.

H. B. No. 43, An Act concerning license, was read the third time and passed by the following vote:

Ayes—Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Rotwitt, Sweeney, Woodlock, Word, Worden, Speaker—20.

Nays—Beal, Mead, Sanders, Stuart, Tierney---5.

Absent--Mr. McCormick.

Title agreed to.

C. B. No. 41, An Act to amend section 17 of an act to regulate proceedings in civil cases in the courts of justice of Montana, approved Feb. 13th, 1874, was read the third time and lost.

Ayes--Beal, Brooke, Clewell, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, Reed, Sweeney, Woodlock--11.

Nays---Cave, Carmichael, Chessman, Mead, McKnight, Olds, Rotwitt, Sanders, Stuart, Tierney, Word, Worden, Speaker ---13.

C. B. No. 16, An Act to provide for the funding of the outstanding 12 per cent bonds of Montana Territory.

On motion, the amendment reported by the Committee was adopted, and, on motion of Mr. Sanders, the rules were suspended, and the bill read the third time, and passed by the following vote:

Ayes—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—24.

Absent—Burkett and McCormick.

The title was agreed to.

C. B. No. 36, An Act concerning chattel mortgages, was read the third time and passed.

Ayes—Brooke, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Moore, of Gallatin, McKnight, Reed, Sweeney, Tierney, Woodlock, Worden, Speaker—15.

Nays—Beal, Curtis, Mead, Moore, of Deer Lodge, Olds, Rotwitt, Sanders, Stuart, Word—9.

Absent—Burkett, McCormick.

The title was agreed to.

C. B. No. 52 was read for information.

On motion of Mr. Rotwitt, the bill was referred to a special Committee of three, consisting of Rotwitt, Word and Sanders.

C. B. No. 19, An Act requiring witnesses' and jurors' fees to be paid into the county treasury, was read for information, and on motion of Mr. Sanders, was re-committed to the Judiciary Committee, with instructions to amend by inserting "sheriff or other officer."

C. B. No. 21, An Act providing for the foreclosure of chattel mortgages, was read the third time and lost by the following vote:

Ayes—Clewell, Ford, Kenneally, Moore, of Gallatin, Olds, Reed, Sweeney, Tierney, Woodlock and Speaker—10.

Nays—Beal, Brooke, Burkett, Cave, Chessman, Curtis, Mead, Moore, of Deer Lodge, McKnight, Rotwitt, Sanders, Stuart, Word, Worden—14.

Absent—Carmichael and McCormick.

The following message was received from the Council:

COUNCIL CHAMBER,
Feb. 9, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that H. J. M. No. 4, and C. C. R. No. 8, have passed the Council.

That the enacting clause of C. B. No. 57 has been amended, and is herewith returned.

That the Council requests the House to return to the Council the following bills, reported by the House as being rejected, to-wit:

C. B. No. 54, C. B. No. 32, C. B. No. 53, C. B. No. 3, C. B. No. 63, C. B. No. 42, and C. B. No. 33.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

C. B. No. 60 was read for information, and on motion of Mr. Sanders, was made the special order for Saturday, the 12th instant.

Mr. Cave moved a call of the House.

Roll called—Absent, McCormick.

On motion of Sanders, a further call was dispensed with.

H. J. M. was ordered enrolled.

Mr. Sanders reported as follows:

MR. SPEAKER—Your Committee, to which was referred C. B. No. 64, A Bill for an act for the relief of Henry Sonnefield, has had the same under consideration. Your Committee is of the opinion that the bill should pass, and recommends action accordingly.

All of which is respectfully submitted.

W. F. SANDERS, *Chairman.*

Also, as follows:

MR. SPEAKER—Your Committee on Territorial Affairs, to which was referred C. B. No. 29, A Bill for an act for the relief of Seth Bullock, have had the same under consideration. Your Committee are satisfied that the service was performed, and the board furnished, mentioned in the bill; by the existing law the same is payable out of the treasury of the county in which the offense was committed. In this instance the crime was committed in the unorganized county of Dawson, and payment out of its treasury is not possible; the Council has deducted $198 from the bill brought in, and your committee is of the opinion that the officer named is entitled to the compensation, and it recommends that the bill do pass.

All of which is respectfully submitted.

W. F. SANDERS, *Chairman.*

Report received.

Also, as follows:

Mr. Speaker—Your Committee on Territorial Affairs, to which was referred C. B. No. 34, A Bill for an act relative to the Territorial Library, has had the same under consideration, and herewith reports the same back, with the recommendation that the words "per annum" be inserted after the word "dollars," in section 6.

Your committee further recommend, that the following be added to section 8: "The commissioners shall cause the said library to be insured in the sum of five thousand dollars, and the Auditor of the Territory shall draw his warrant on the treasury for a sum sufficient to pay the premium on such insurance."

Your committee further recommend that section 12 of the act be numbered 13, and that the following be inserted as section 12: "If the officers of the Historical Society of Montana shall so elect, they may place the library of said society in the said Library room, and they may make such rules and regulations for the government thereof as to them shall seem proper, and the said Librarian shall observe the same, and he shall be responsible to said society for the faithful observance of such regulations, and for the said Library, and for any disobedience to such regulations he shall be responsible to said society, and the bond aforesaid shall enure to the benefit of said society, and it may recover in the name of the Territory upon the foregoing bond, any damage suffered by the neglect of such Librarian or for any loss caused by his disobedience of the regulations by it prescribed for the management thereof, and such Librarian shall be entitled to no other or further compensation than that prescribed in section 6 of this act; and that as so amended the bill do pass.

All of which is respectfully submitted.

W. F. Sanders, *Chairman.*

Report received.

Also, as follows:

Mr. Speaker—Your Committee of Conference on C. B. No. 14, have met the conferees from the Council and have had under consideration the disagreement of the two Houses as to said bill. While your committee is of the opinion that the amendment of the House is just and should be concurred in by the Council, yet as the provisions of the bill are wise in all other respects, we think it better that the House recede from its amendment than that the bill fail to become a law.

All of which is respectfully submitted.

Otho Curtis,
Samuel Word,
W. F. Sanders,
Committee of Conference on part of the House.

Report received.

Also, as follows:

Mr. Speaker—Your Committee on Territorial Affairs, to which was referred C. B. No. 59, A Bill for an act to provide for the appointment of guardians for persons insane or otherwise incapable of taking care of themselves, has had the same under consideration, and has instructed me to report the same back, with the recommendation that it do pass.

All of which is respectfully submitted.

W. F. Sanders, *Chairman.*

Report received.

Also, as follows:

Mr. Speaker—Your Committee to which was referred C. B. No. 19, A Bill for an act requiring witnesses' and jurors' fees to be paid into the county treasury, with instructions, has had said bill under consideration, and reports the bill back with amendment directed by the House.

All of which is respectfully submitted.

W. F. Sanders,
For Judiciary Committee.

Amend line 4, section 1, by inserting after the word "peace," the words "sheriff or other officer." Also, insert same words in line 2 of section 2 after the word "peace." Also, insert same words after the word "peace" in line 8, section 2.

Mr. Mead reported as follows:

Mr. Speaker—Your Committee on Elections, to which was referred H. B. No. 85, have had the same under consideration, and report the same back with the amendments herewith submitted, and recommend that said bill pass as amended.

Amend section 1 by striking out "1878" where it occurs, and insert "1877" in lieu thereof.

Amend section 5 by striking out "1877" and insert "1878" in lieu thereof where it occurs.

Amend section 6 by adding to said section the words "biennially thereafter."

Mead.

On motion of Mr. Reed, the amendments as reported by the Select Committee to C. B. No. 44 were adopted.

On motion of Mr. Sanders, C. B. No. 44 was amended as follows: In 11th line of section 2 strike out the word "approval" and insert "passage" in lieu thereof.

On motion of Mr. Reed, C. B. No. 44 was made the special order for 10½ o'clock A. M. to-morrow.

On motion of Mr. Sanders, the House adjourned to 10 o'clock A. M. to-morrow.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. Barret, *Chief Clerk.*

THIRTY-NINTH DAY.

House of Representatives,
Helena, M. T., Feb. 10, 1876.

The House met pursuant to adjournment, Mr. Speaker in the Chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the Council:

Council Chamber,
Feb. 9, 1876.

Mr. Speaker—I am instructed by the Council to inform your Honorable body that the following bills have passed the Council: H. Bs. Nos. 87, 71, 78, C. B. No. 62, C. J. R. No. 9; that H. B. No. 37, An Act to tax jury fees in civil actions, has been indefinitely postponed, all of which bills are herewith transmitted. Also, that the Council have passed H. Bs. Nos. 81 and 59, with amendments.

Respectfully,
Harvey R. Comly,
Chief Clerk.

Mr. Carmichael reported as follows:

Mr. Speaker—Your Committee on Enrollment have examined H. B. No. 27, An Act to incorporate the town of Helena, also, H. B. No. 26, An Act to provide for the funding of the debt of Madison county, and find the same correctly enrolled.

Carmichael, *Chairman.*

Report received.

H. Bs. Nos. 71, 78 and 87 were ordered enrolled.

On motion of Mr. Sanders, the House receded from their amendments to C. B. No. 14.

Mr. Speaker announced that he had signed H. Bs. Nos. 26 and 27.

Mr. Sanders reported as follows:

MR. SPEAKER—Your Committee on Territorial Affairs, to which was referred C. B. No. 22, A bill for an act for the relief of John A. Quirk, has had said bill under consideration, and being of the opinion that if said account is due said Quirk, the county of Lewis and Clarke is responsible therefor, and should pay the same, that being the county in which the offense committed by the absconding criminal was committed, reports the said bill back, with the recommendation that it do not pass, all of which is respectfully submitted.

W. F. SANDERS, *Chairman.*

Report received.

Also, as follows:

MR. SPEAKER—Your Committee on the Judiciary, to which was referred H. B. No. 88, A Bill for an act relating to the distribution and preservation of the published laws of Montana, and for other purposes, has had the same under consideration, and reports the same back with the recommendation that the words "and twenty-two," in line 2 of section 10, and the same words in the last line of section 10, be stricken out. Also, that the last line of section 8 be stricken out and the words "the justices of the supreme court for the purchase of books for the law library" be inserted in lieu thereof, and that as so amended the bill do pass.

W. F. SANDERS,
From the Committee on the Judiciary.

Report received.

Mr. Moore, of Gallatin, reported as follows:

MR. SPEAKER—Your Committee on Territorial Affairs, to which was referred H. B. No. 90, A Bill for an act for the relief of Seth Bullock, has had the same under consideration and for the reasons set forth in its report on C. B. No. 23, reports the bill back with the recommendation that it do not pass, all of which is respectfully submitted.

MOORE, of Gallatin,
Of the Committee on Territorial Affairs.

Report received.

Mr. Kenneally reported as follows:

MR. SPEAKER—Your Committee on Mines and Minerals, to whom was referred Council Bill No. 43, in relation to quartz claims, beg leave to report the same back, and recommend that the same do not pass, as one similar to this has passed both Houses of the Legislative Assembly.

DAVID KENNEALLY, *Chairman.*

Report received.

C. B. No. 44 was taken up, and Stuart offered a substitute.

Mr. Curtis in the chair.

Mr. Word moved to make C. B. No. 44 the special order for 2 o'clock P. M., and that the substitute be referred to its friends for amendment.

Which motion was lost by the following vote:

Ayes—Beal, Brooke, Burkett, Carmichael, Chessman, Clewell, Kenneally, Mead, Olds, Sanders, Stuart, Word, Speaker—13.

Nays—Cave, Curtis, Ford, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Reed, Rotwitt, Sweeney, Tierney, Woodlock, Worden—13.

On motion of Word, C. B. No. 44, and the substitute, was made the order for 2:15 this P. M.

Ayes—Beal, Brooke, Burkett, Carmichael, Chessman, Clewell, Kenneally, Mead, Moore, of Deer Dodge, Olds, Sanders, Stuart, Tierney, Word, Speaker—15.

Nays—Cave, Curtis, Ford, Moore, of Gallatin, McCormick, McKnight, Reed, Rotwitt, Sweeney, Woodlock, Worden—11.

Speaker in the chair.

Word moved to take a recess to 2 P. M. Lost.

On motion of McCormick, the House concurred in Council amendments to H. B. No. 59, and the bill was ordered enrolled.

Curtis reported as follows:

MR. SPEAKER—Your Committee of Ways and Means, to whom was referred C. B. No. 37, recommend the following amendments, and as amended, recommend that it do pass.

Amend by adding to the fifth sub-division the following: "But when such ground is abandoned for mining purposes it shall not be assessed as mining ground, but as other real estate."

Also, strike out the words "three hundred," in sixth sub-division, and insert "two hundred and fifty."

CURTIS.

Report received.

C. B. No. 62, An Act to prohibit the traffic in intoxicating liquors on general election day, read first and second times, rules suspended, read the third time and passed.

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—23.

Nay—Mead—1.

Absent—Carmichael, Curtis—2.

Title agreed to.

C. J. R. No. 8 read first and second times, and, on motion of Mr. McCormick, the rules were suspended, read the third time, and lost by the following vote:

Ayes—Burkett, Kenneally, Mead, Moore, of Gallatin, and Word—5.

Nays—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Ford, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Worden, and Mr. Speaker —19.

C. B. No. 57, An Act to repeal an act for the collection of statistics, and for other purposes, read first time, and, on motion of Mr. Sanders, was rejected.

C. J. R. No. 9 was read first and second times, rules suspended, read third time and passed.

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—25.

Nays—None.

Absent—Mr. Curtis.

On motion of Mr. Word, the House took a recess to 2 o'clock P. M.

2 o'clock P. M.—The House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

H. B. No. 90 and C. B. No. 23 were re-committed to the Committee on Territorial Affairs.

The amendments to H. B. No. 85, recommended by the committee, were adopted, and the bill ordered engrossed for a third reading.

H. B. No. 88 was taken up, and the amendments offered by the committee were adopted.

The clerk was instructed to engross H. B. No. 88 in the presence of the House.

The bill was then read the third time and passed.

Mr. Carmichael reported as follows:

Mr. SPEAKER—Your Committee on Enrollment report that they have handed to the Governor House Bills Nos. 26 and 27 at 2 o'clock P. M. this day.

CARMICHAEL, *Chairman.*

Report received.

Mr. Chessman reported as follows:

MR. SPEAKER—Your Committee on Engrossment, to whom was referred House Bill No. 85, beg leave to report back the same correctly engrossed:

CHESSMAN.

Report received.

The following message was received from the Governor:

MONTANA TERRITORY,
EXECUTIVE DEPARTMENT,
HELENA, Feb. 10, 1876.

To the House of Representatives:

I have the honor to inform the House of Representatives that on the 9th day of February A. D. 1876, I approved the following bills, to-wit: H. B. No. 64, entitled An Act for the relief of Henry A. D'Acheul; H. B. No. 65, entitled An Act to provide compensation to James H. Mills, for certain printing done the Territory; H. B. No. 57, entitled An Act concerning motions; H. B. No. 16, entitled An Act to provide for the election of county assessors; H. B. No. 21, entitled An Act to provide for the transfer of road moneys in certain cases to the benefit of the public schools; H. B. No. 66, entitled An Act to provide for the compensation of Dr. A. H. Mitchell for medical and surgical services rendered the Territory of Montana, at the penitentiary of the said Territory, during the months of March and April, A. D. 1874, at the request of F. H. English, warden of said penitentiary; H. B. No. 73, entitled An Act to provide for the formation of corporations other than those for pecuniary profit.

Also, on the 10th day of February, 1876, I approved H. B. No. 26, entitled An Act to provide for the funding of the debt of Madison county.

Very respectfully,
B. F. POTTS, *Governor.*

Mr. Stuart moved to adopt substitute for C. B. No. 44.

Mr. Sanders moved to amend as follows:

Strike out the words "fifteen hundred thousand" where they occur, and insert "twelve hundred thousand" in lieu thereof.

Carried.

Upon the motion of Mr. Stuart to adopt the substitute for C. B. No. 44, the ayes and nays were called.

Ayes—Beal, Brooke, Carmichael, Chessman, Clewell, Mead, Sanders, Stuart, and Worden—9.

Nays—Burkett, Cave, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—17.

And the substitute was lost.

Mr. Mead offered the following amendment:

Amend section 1 by striking out "3" and inserting "2" wherever it occurs in said section.

MEAD.

Which amendment was lost by the following vote:

Ayes—Brooke and Mead—2.

Nays—Beal, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—24.

The Chief Clerk then engrossed the amendments to C. B. No. 44.

Mr. Carmichael moved that the rules be suspended and the bill be read the third time by its title, which motion was lost.

Mr. Sanders presented a petition from citizens of Helena, relative to railroads; the bill was then read at length the third time and passed by the following vote:

Ayes—Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—23.

Nays—Beal, Mead, and Stuart—3.

The title was agreed to.

The following message was received from the Council:

COUNCIL CHAMBER,
Feb. 10, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the following bills have passed the Council, to wit: H. Bs. Nos. 1, 89 and 82, that H. B. No. 69 was rejected.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Mr. McCormick moved to reconsider the vote by which C. B. No. 44 was passed.

On motion of Moore, of Gallatin, the motion to reconsider was laid on the table.

The Speaker announced that he had signed Council Bills Nos. 14 and 16.

H. Bs. Nos. 1, 82 and 89 were ordered enrolled.

Mr. Burkett in the chair.

C. B. No. 34, An Act in relation to the Territorial Library, was amended, read the third time, and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Woodlock, Worden—21.

Absent—Carmichael, Sweeney, Tierney, Word and Speaker —5.

The title was agreed to.

On motion of Mr. Sanders, the amendments reported to C. B. No. 19, An Act requiring witness and jurors fees to be paid into the county treasury, were adopted.

Also, the following amendment was adopted to C. B. No. 19:

Add to section 2: And such officer so paying said fees into the treasury shall notify the clerk of the court, probate judge or magistrate, having the custody of any judgment on which the same are paid, in writing, of the payment thereof, and such clerk, probate judge or magistrate, shall endorse the same as paid upon the judgment so in his charge.

The bill was then read the third time and passed.

Ayes—Beal, Brooke, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Woodlock, Worden—21.

Nay—Burkett.

Absent—Carmichael, Tierney, Word and Speaker—4.

The title was agreed to.

C. B. No. 64, An Act for the relief of Henry Sonnefield, was read the third time and passed.

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Woodlock, Word, Worden—23.

Absent—Carmichael, Tierney and Speaker—3.

The title was agreed to.

Mr. Curtis reported as follows:

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred C. J. R. No. 6 and C. J. R. No. 7, beg leave to report the same back to the House, with the following statement of facts: That the charge embraced in the resolution, of $225,00 for printing 225 copies of a pamphlet, entitled, "A Record of the Stock Brands and Marks of Montana Territory," is in excess of what could be charged for work under the law known as the Printing Law, passed at this session of the legislature. Your Committee are advised by practical printers, who have made an estimate of the value of the printing charged for, estimating it under the law relating to printing, that the work that has been done for which pay is sought by this resolution, amounts to one hundred and fifty dollars. If it be true that the printing law now in force gives good pay for printing done at the rates therein prescribed, then in the opinion of your Committee the sum of $150 is ample compensation for the work done.

We recommend that C. J. R. No. 7 do pass the House.

Respectfully submitted.

CURTIS, *Chairman.*

Cave reported as follows:

MR. SPEAKER—Your Committee, to whom was referred C. B. No. 48 with amendments attached, have had the same under consideration, and beg leave to report the same back without recommendations.

CAVE.

Of Committee on Agriculture and Manufactures.

Report received.

Mr. Carmichael reported as follows:

MR. SPEAKER—Your Committee on Enrollment have examined H. Bs. Nos. 87, 71, 20, 33, and find the same correctly enrolled.

CARMICHAEL, *Chairman.*

C. B. 29, An Act for the relief of Seth Bullock, read third time, and passed.

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Tierney, Woodlock, Word, Speaker—22.

Nay—McCormick.

Absent—Kenneally, Sweeney, and Worden—3.

The title was agreed to.

C. B. 59, An Act to provide for the appointment of guardians for persons insane, read third time and passed.

Ayes—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Ford, Mead, Moore, of Gallatin, Moore, of Deer, Lodge, McCormick, McKnight, Olds, Rotwitt, Sanders, Stuart, Tierney, Woodlock, Word, Worden, Speaker—21.

Absent—Burkett, Curtis, Kenneally, Reed, and Sweeney.

The title was agreed to.

Mr. Speaker in the chair.

The Speaker signed House Bills 20, 71, 87, 33.

On motion of McCormick, the House adjourned.

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

FORTIETH DAY.

House of Representatives,
Helena, Montana, Feb. 11, 1876.

The House met pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called—members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Speaker announced that he had signed H. Bs. Nos. 1, 59, 78, 81, 82, 89, and 34.

Mr. Carmichael reported as follows:

Mr. Speaker—Your Committee on Enrollment have examined H. Bs. Nos. 81, 59, 89, 78, 1, 82, and 34, and find the same correctly enrolled.

Carmichael, *Chairman.*

Report received.

H. B. No. 85, An Act apportioning the members of the Legislative Assembly, and prescribing the time of their election; read third time and passed by the following vote:

Ayes—Beal, Carmichael, Chessman, Clewell, Ford, Kenneally, Mead, Moore, of Gallatin, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Sweeney, Word—16.

Nays—Brooke, Burkett, Cave, Curtis, Moore, of Deer Lodge, Stuart, Tierney, Woodlock, Worden, Speaker—10.

Mr. Curtis reported as follows:

MR. SPEAKER—Your Committee on Engrossment, to whom was referred H. Bs. Nos. 3, 8, and 4, respectfully report the same back, correctly engrossed.

CURTIS.

Report received.

Mr. McCormick reported as follows:

MR. SPEAKER—Your Judiciary Committee, to which was referred H. B. No. 52, An Act in relation to divorce, beg leave to report the same back to the House, with the recommendation that it do pass.

McCORMICK,
Of Judiciary Committee.

Report received.

H. B. No. 3, An Act concerning claim and delivery of personal property, read third time and passed.

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—23.

Nays—Moore, of Deer Lodge.

Absent—Carmichael and McCormick.

Title agreed to.

H. B. No. 4, A Bill for an act in relation to limitations of actions, read third time and lost by the following vote:

Ayes—Beal, Brooke, Cave, Chessman, Olds, and Mr. Speaker—6.

Nays—Burkett, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, and Worden—18.

H. B. No. 8, An Act in relation to executors and administrators, read third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Moore, of Gallatin, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—21.

Nays—Mead and Worden—2.

Absent—Carmichael, Moore, of Deer Lodge, and McCormick—3.

Title agreed to.

H. B. No. 52, An Act concerning divorce, read third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Moore, of Gallatin, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—21.

Nays—Mead and Worden—2.

Absent—Carmichael, Moore, of Deer Lodge, and McCormick.

Title agreed to.

Mr. Moore, of Gallatin, from the Committee on Territorial Affairs, reported as follows:

MR. SPEAKER—Your Committee on Territorial Affairs, to which H. B. No. 90 was re-committed, has had the same under consideration. The sum of money by this bill sought to be appropriated is in payment of services rendered in the attempted extradition of one Shaffer, from the Territory of Dakota, and for expenses incurred in a journey to Bismarck, upon the requsition of the Governor of this Territory. Upon the arrival at Bismarck of the messenger, the authorities there had permitted the prisoner to escape, and he was not secured under the requisition. The existing law is, in the opinion of your committee, a sufficient authority for the payment of this bill; certainly so far as the expenses are concerned. Had the prisoner sought to be extradited not been discharged at Bismarck before the arrival of the messenger there, and had he been returned, there would remain no doubt on this question.

It is the opinion of your committee that the expenses of the messenger should be paid, notwithstanding the escape of the prisoner without fault of the messenger. He ought not to be punished because of any bad faith on the part of the authorities of the Territory of Dakota.

Your committee is of the opinion that a failure to pay these expenses would have a disastrous effect upon the pursuit of fugitive criminals in the future. The former report of this committee was based on the supposition that these services were rendered in the pursuit of the fugitive within the Territory.

Your committee thinks that a rule should be adopted that will admit the payment of expenses, but not for the service of the messenger.

Your committee recommend that the charge of one hundred and sixty dollars for services of the messenger, be deducted from the sum sought to appropriated. The committee therefore recommend that the words "two hundred and forty-seven" be stricken out wherever they occur, and the words "eighty-seven" be inserted in lieu thereof. All of which is respectfully submitted.

MOORE, of Gallatin,
Of the Committee on Territorial Affairs.

Report received.

Also, as follows:

MR. SPEAKER—Your Committee on Territorial Affairs, to which was re-committed C. B. No. 23, have reconsidered the same, and being of the opinion expressed in the former report from this committee, report the bill back with the recommendation that it do not pass.

MOORE, of Gallatin,
Of the Committee on Territorial Affairs.

Mr. Stuart reported the following:

MR. SPEAKER—Your Committee on Judiciary, to whom was referred H. B. No. 61, An Act to authorize courts of justice to require persons convicted of crime to give security to keep the peace, beg leave to report the same back to the House with the recommendation that it do not pass.

STUART,
Of the Judiciary Committee.

Mr. Speaker signed Council Bills Nos. 36, 62 and 44; also, C. J. R. No. 9.

H. B. No. 90, An Act for the relief of Seth Bullock, was amended by striking out "two hundred and forty-seven" where it occurs, and inserting "eighty-seven" in lieu thereof.

The chief clerk was instructed to engross the amendments in the bill.

On motion of Mr. Sanders, the rules were suspended, the bill read the third time and passed by the following vote;

Ayes—Beal, Brooke, Burkett, Cave, Curtis, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart Sweeney, Tierney, Woodlock, Word, Worden, Speaker—22.

Nays—Chessman, Clewell, Ford—3.

Absent—Carmichael.

The title was agreed to.

The following message was received from the Council:

COUNCIL CHAMBER,
Feb. 11, 1876.

MR. SPEAKER—I am instructed to inform the House that H. B. No. 43 has passed the Council with amendments.

HARVEY R. COMLY,
Chief Clerk.

The following communication was received from the Governor through his private secretary, Mr. Cummins:

MONTANA TERRITORY,
EXECUTIVE DEPARTMENT,
HELENA, Feb. 11, 1876.

To the Legislative Assembly:

The only object in requiring the Territory to provide for the treatment and maintainance of the insane, is that they may have better and more successful treatment than the counties can afford. In my judgment the Territory cannot provide proper treatment for the insane unless new buildings are provided, and a man who has made the treatment of insane persons a speciality employed to care for and treat them. The hospital that now has charge of the insane possesses no advantages for proper treatment over the hospitals in several of the counties, and I have no doubt that the cost of keeping them in the counties will be less than has been paid to the hospital in this place during the last twenty months; it certainly cannot be more anywhere or under any circumstances. The law of two years ago was defective. Under its provisions an insane person could be admitted, but no provision was made for his discharge, and no authority existed to employ a competent person to determine whether any of the insane should be discharged or not. If the Legislative Assembly, in its wisdom, determines not to provide proper buildings for the care of the insane and employ competent medical attendance, then let them be returned to the several counties for treatment there. The levy for Territorial purposes was reduced one fourth two years ago, and added to the levy for county purposes, and you have not at the present session seen fit to change it, therefore I think the responsibility of the care and maintainance of the insane should desolve upon the several counties, until such time as a Territorial asylum is built. No legislation should be had for the renewal of the contract under the law of two years ago, unless it be temporarily until proper buildings can be erected or purchased for an asylum.

You should provide for the payment of the hospital since December 31, 1875, by joint resolution.

Very Respectfully,
B. F. Potts,
Governor.

Also, as follows:

The Territory of Montana,
Executive Department,
Helena, Feb. 11, 1876.

To the House of Representatives:

I respectfully urge the passage by the House of the Council Bill repealing the act providing for the collection of statistics. The amount expended annually in attempting to enforce the law reaches several hundred dollars, and no reliable collection of statistics has been made. It is impossible to enforce the law without additional legislation. Some of the assessors each year have failed to make returns of statistics, and when any one fails it destroys the value of returns made by others. Returns for the fraction of a county are of no value to show the statistics of that county. The law should be repealed, or additional authority should be granted the Territorial Auditor to enforce the law.

Respectfully,
B. F. Potts, *Governor.*

H. B. No. 43 was taken up, and on motion of McCormick, to concur in Council amendment No. 1 to H. B. No. 43, the motion was lost.

Mr. Sanders moved that the House do not concur in the 2d amendment to H. B. 43. Carried.

On motion of Mr. Sanders, the House concurred in Council amendment No. 3 to H. B. 43.

The Council was requested to recede from their amendments 1 and 2 to H. B. 43.

On leave, Mr. Word introduced H. B. No. 91, An Act in relation to administrators and executors.

Read first and second times and, on motion of Mr. Word, the rules were suspended, read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—26.

Nays—None.

Title agreed to.

C. B. No. 37, An Act to amend sections 3 and 14 of an act providing for the collection of the revenue, approved Jan. 12, 1872. On motion of Mr. Sanders, the following amendment was adopted:

In lieu of section 1, C. B. 37: No property in the Territory of Montana except—1st, the property of the United States; 2d, the property of the Territory and of the various municipalities therein; 3d, property and money belonging to the common schools and fire companies; 4th, personal property of widows and minor orphans not exceeding $1,000 in value; 5th, personal household goods not exceeding five hundred dollars in value, shall be exempt from assessment and taxation.

Mr. McCormick in the Chair.

Mr. Sanders moved a call of the House.

Roll called.

On motion of Mr. Sanders, a further call of the House was dispensed with.

Mr. Carmichael reported as follows:

Mr. Speaker — Your Committee on Enrollment have handed to the Governor at 11:40 o'clock A. M. the following bills: Nos. 20, 33, 59, 34, 82, 1, 89, 87, 71, 81, and 78.

CARMICHAEL, *Chairman.*

Report received.

Mr. Sanders offered the following amendment: Strike out section 6, and renumber subsequent sections.

And the amendment was lost by the following vote:

Ayes—Brooke, Cave, Chessman, Clewell, Mead, McCormick, McKnight, Rotwitt, Sanders, and Worden—10.

Nays—Beal, Burkett, Curtis, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, Reed, Stuart, Sweeney, Tierney, Woodlock, Word, Speaker—14.

The bill was then read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Worden, Speaker—18.

Nays—Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, Sweeney, Tierney, Woodlock, and Word—8.

The title was agreed to.

On motion of Cave, the House took a recess until 2 o'clock P. M.

2 o'clock P. M.—The House resumed.

Speaker in the chair.

Roll called—Members all present.

Sanders reported as follows:

MR. SPEAKER—Your Committee of Conference on the disagreement of the two Houses on the Council amendments to H. B. No. 42, A Bill for an act to facilitate and enforce the performance of official duties, has met the conferrees of the Council, and was informed by them that they had been instructed by the Council to adhere to the Council amendment.

Action so unjustifiable of course precluded all discussion as to the merits of the amendment, and respect for the dignity of this House would not permit your committee to continue the conference, but as the other sections of the bill are valuable to the Territory if enacted into law, your committee deemed it best to disregard the affront, and to say to the conferrees from the Council that the Committee of the House would recommend that the House do concur in the Council amendments.

Protesting that this action at the closing hours of the session shall not be drawn into use as a precedent, your committee is of the opinion that in the alternative presented it is better that the House concur in the amendment, and it recommends accordingly.

All of which is respectfully submitted.

W. F. SANDERS,
SAMUEL WORD.

Report received.

On motion of Sanders, the House concurred in Council amendments to H. B. 42.

Carmichael reported as follows:

MR. SPEAKER—Your Committee on Enrollment have examined H. B. No. 7, An Act concerning dower, and find the same correctly enrolled.

CARMICHAEL, *Chairman.*

C. B. No. 23, An Act for the relief of John Quirk, read third time, and passed by the following vote:

Ayes—Burkett, Clewell, Curtis, Ford, Kenneally, Moore, of Deer Lodge, McKnight, Olds, Rotwitt, Stuart, Sweeney, Tierney, Woodlock, Word, Speaker—15.

Nays—Beal, Brooke, Cave, Carmichael, Chessman, Mead, Moore, of Gallatin, McCormick, Reed, Sanders, Worden—11.

Mr. Sanders moved to make C. B. No. 48 the special order for 2 P. M. to-morrow.

Motion carried.

The following communication was received from the Council:

COUNCIL CHAMBER,
Feb. 11, 1876.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that H. B. No. 85, An Act apportioning the members of the Legislative Assembly and prescribing the time of their election, has been rejected by the Council; that H. B. No. 75, as amended by the Council, was engrossed in another bill, and such bill read third time and passed, title agreed to. The endorsements on the original and other bill will more fully explain the action of the Council.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Mr. Speaker signed H. B. No. 7.

Mr. Sanders moved to return H. B. No. 75 to the Council, with the accompanying papers, with the statement that the House engrosses its own bills.

Motion lost.

Mr. Speaker announced that he had signed C. B. No. 64.

On motion of Mr. Sanders, the following resolution was adopted:

Resolved, That the House accepts the amendments and engrossments of the Council to H. B. No. 75 as H. B. No. 75, and will consider the changes therein as amendments thereto, and will proceed to consider the same.

On motion of Mr. Word, the House concurred in the Council amendments to H. B. No. 75, by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Olds, Reed, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—24.

Nays—McCormick and Rotwitt.

The bill was then ordered enrolled.

Mr. Sanders presented the following report:

MR. SPEAKER—Your Committee on Territorial Affairs, to whom was referred that portion of the Governor's message relating to the care and maintenance of the insane, submit the following report;

From reliable sources they learn that the number of insane is increasing each year. The number in charge of the Territory at the present time is twenty-three, and two more are now awaiting the action of the Legislature on the bills under consideration. Under the contract plan the expense increases with the numbers, while the per centage of cures diminishes.

Insanity is always connected in some manner with bodily infirmity, and therefore the insane, more than any other class, need the continual supervision and care of a physician, which they cannot have except in a state or territorial asylum. Eastern asyulms have long since discarded the inhuman plan of treating the insane as criminals, and trusting entirely to close confinement, contracted quarters and mechanical means of restraint, and the largest per centage of cures is found in those which rely most on sunshine, out-door exercise and constant supervision, with hygienic treatment. The per centage of cures reaches sixty under this plan, while under our present system, or want of system, less than six per cent get well.

In view of these facts a territorial asylum, with large grounds, good buildings, and a resident physician, whose entire time shall be devoted to the unfortunate class under his charge, furnishes not only the most economical and humane, but the only method by which the insane can be properly treated, and we heartily endorse the suggestions of the message upon this subject.

All of which is respectfully submitted.

W. F. SANDERS, *Chairman.*

Mr. Sanders moved to make H. B. No. 52 the special order for to-morrow. Lost.

The bill was then read the third time and lost by the following vote:

Ayes—Beal, Burkett, Ford, Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, Olds, Sweeney, Tierney, Word, Worden, and Mr. Speaker—12.

Nays—Brooke, Cave, Carmichael, Chessman, Clewell, Curtis, Mead, McCormick, McKnight, Reed, Rotwitt, Sanders, Stuart, Woodlock—14.

The following message was received from the Council:

COUNCIL CHAMBER,
Feb. 11, 1876.

MR. SPEAKER—The Council have passed H. B. No. 38, with amendments.

That H. B. No. 68 has passed the Council.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Also, as follows:

COUNCIL CHAMBER,
Feb. 11, 1876.

MR. SPEAKER—The Council refuse to concur in House amendments to C. B. No. 37.

The Governor has approved the Northern Pacific railroad bill.

The Council adhere to Council amendments to H. B. No. 43.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Mr. Carmichael reported as follows:

MR. SPEAKER—Your Committee on Enrollment report H. B. No. 42 and H. B. No. 75 correctly enrolled.

CARMICHAEL, *Chairman.*

H. B. No. 68 ordered enrolled.

The Speaker signed House Bills Nos. 42 and 75.

On motion of Mr. Ford, the Council amendments to H. B. No. 38 were concurred in, and the bill ordered enrolled.

C. J. R. No. 6 was read the third time and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—26.

Nays—None.

Title agreed to.

C. J. R. No. 7 was read the third time and passed by the following vote:

Ayes—Beal, Burkett, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McKnight, Reed, Rotwitt, Stuart, Sweeney, Tierney, Woodlock, Word, and Mr. Speaker—19.

Nays — Brooke, Cave, McCormick, Olds, Sanders, and Worden—6.

Title agreed to.

The following message was received from the Council:

COUNCIL CHAMBER,
Feb. 11, 1876.

MR. SPEAKER—The Council have passed H. B. No. 79.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

H. B. No. 79 was ordered enrolled.

On motion of Mr. Burkett, H. B. No. 61 was made the special order for to-morrow.

On motion of Mr. Word, the vote by which the House refused to concur in the Council amendments to H. B. No. 43, was reconsidered, and on motion of Mr. Word, the House concurred in the Council amendments to H. B. No. 43.

On leave, Mr. Sanders introduced H. J. R. No. 1.

Read first and second times, rules suspended, read the third time and passed by the following vote:

Ayes — Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, and Mr. Speaker—25.

Nays—Beal.

Title agreed to.

On motion of Mr. Word, the House took a recess until 4½ o'clock P. M.

4½ o'clock P. M.—House resumed, Mr. Curtis in the chair.

Roll called—quorum present.

On motion of Mr. Word, the House took a recess until 7 o'clock P. M.

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7 o'clock P. M.—The House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Mr. McCormick introduced the following resolutions:

Whereas, The Territory of Montana, in the death of the late John H. Rodgers, has lost one of its most valued and enterprising citizens, and the people of the county of Deer Lodge one of their most active, earnest and representative men; and

Whereas, The Legislative Assembly of the Territory convened in regular session at the Capital, desiring to place upon record an expression of their personal regard and esteem for one who was personally known to many of them from a period antedating the organization of our Territory; and

Whereas, The deceased was elected from the county of Madison a member of the first Legislative Assembly of the Territory, which convened at Bannock on the 12th day of December, A. D. 1864, and was also elected a member of the extraordinary and eighth sessions of the Legislative Assembly from the county of Deer Lodge, and chosen Speaker of the House at both of said sessions, in which position he presided with impartiality, and marked ability, winning the applause of all for the clearness and correctness of his decisions upon questions of parlimentary law; therefore,

Be it Resolved by the House of Repretentatives of the 9th Legislative Assembly, That in the death of our distinguished fellow citizen, John H. Rodgers, the Territory has lost one of its worthiest, brightest and most fearless citizens, whose noble and manly qualities of head and heart left their impress upon all those who came in contact with him, and whose well known energy, perseverance, and indomitable will, placed him in the foreground with that pioneer band of intrepid spirits that have reclaimed the wilds of Montana from the dominion of the merciless savage; giving to the world millions of her golden treasure, and making her the abode of all that is great, pure and ennobling in the civilization of the nineteenth century.

Resolved, 2d, That as members of this House we tender to the afflicted wife and little ones, who, by this sudden disposition of Providence have been bereft of the tender and sympathetic care of a devoted husband and affectionate father, our deepest and most heartfelt sympathy and condolence, in their great and irreparable loss.

Resolved, That these resolutions be spread at length upon the Journal of this House, and that the Clerk be requested to furnish a copy of the same to the family of the deceased.

On motion of McCormick, the resolutions were adopted.

The Speaker announced that he had signed H. Bs. 68 and 43, and C. J. R. 7.

H. B. 88 ordered enrolled.

Mr. Word introduced H. B. 92, An Act to provide for the manner of conducting elections, read first and second times, rules suspended, read third time, and passed.

Ayes—Beal, Brooke, Burkett, Carmichael, Chessman Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Speaker—24.

Nay—Worden.

Absent—Cave.

Title agreed to.

The following message was received:

COUNCIL CHAMBER,
Feb. 11th 1876.

MR. SPEAKER—H. B. No. 74 has been rejected in the Council.

That H. Bs. 67, 83, 3 and 8 have been, on motion of Watson, made the special order for to-morrow at 10 o'clock.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

COUNCIL CHAMBER,
Feb. 11th, 1876.

MR. SPEAKER—H. B. 88 has passed the Council.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

The following message was received from the Governor:

MONTANA TERRITORY,
EXECUTIVE DEPARTMENT,
HELENA, Feb. 11, 1876.

To the House of Representatives:

I have the honor to inform the House of Representatives that, on the 11th day of February, 1876, I approved the following House Bills, to-wit: H. B. No. 27, entitled An Act to incorporate the town of Helena; H. B. No. 87, entitled An Act to provide for the funding of the outstanding twelve per cent bonds of Meagher county, Montana Territory, and for other purposes; H. B. No. 20, entitled An Act prescribing the fees of the clerks of the district courts in the several counties of the Territory; H. B. No. 89, entitled An Act concerning firemen; H. B. No. 1, entitled An Act to amend an act in relation to roads and highways, approved February 12th, 1874; H. B. No. 81, entitled An Act in relation to schools; H. B. No. 71, entitled An Act prescribing the jurisdiction of the courts in criminal cases; H. B. No. 59, entitled An Act to provide for the support, care, and maintenance of the county sick and poor; H. B. No. 34, entitled An Act in relation to diseased animals; H. B. No. 42, entitled An Act to facilitate and enforce the performance of official duties; H. B. No. 7, entitled An Act concerning dower; H. B. No. 33, entitled An Act to provide for biennial elections in the Territory of Montana; H. B. No. 82, entitled An Act authorizing the county commissioners of Deer Lodge county to pay certain claims; H. B. No. 78, entitled An Act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri, at or near Fort Benton, to the city of Helena; H. B. No. 75, entitled An Act to enable the people of the Territory of Montana to aid in the construction of a railroad.

Very Respectfully,
B. F. Potts, *Governor.*

Mr. Carmichael reported as follows:

Mr. Speaker—Your Committee on Enrollment have handed to the Governor at 4 o'clock p. m. H. Bs. Nos. 7, 42, and 75. Also, have examined H. Bs. Nos. 38, 68, 43, and 49, and H. J. M. No. 4, and find the same correctly enrolled.

Carmichael, *Chairman.*

The Speaker signed H. Bs. Nos. 38 and 79 and H. J. M. No. 4.

Mr. Sanders reported as follows:

Mr. Speaker—Your Committee on Territorial Affairs, to which was referred C. B. No. 58, A Bill for an act to authorize the Governor to contract for the keeping, clothing, and maintenance of the Territorial convicts, &c., has had the same under consideration, and reports the same back with the recommendation that it do pass. All of which is respectfully submitted.

W. F. Sanders, *Chairman.*

On motion of Mr. Sanders, the rules were suspended, C. B. No. 58 was read the third time by its title and passed by the following vote:

Aays—Beal, Brooke, Burkett, Cave, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden, Speaker—22.

Nyes—Mr. McCormick.

Title agreed to.

On motion of Mr. Chessman, the following resolution was adopted:

Resolved, By the House, the Council concurring, that the 9th Legislative Assembly will adjourn its regular session at eleven o'clock and fifty-five minutes P. M., of February 11th, 1876.

CHESSMAN.

On motion of Mr. Moore, of Deer Lodge, the following resolution was adopted:

MR. SPEAKER—I move the adoption of the following:

Resolved, By the House of Representatives of the Territory of Montana, that we tender, individually and collectively, to A. H. Barret, Chief Clerk, and to assistant clerks John Heldt, James E. Kanouse and N. Connelly, also, to R. K. Emmerson, J. N. Thompson, James B. Walker and H. McVeigh, our high regard for the prompt, able and efficient manner in which they have discharged the duties devolving upon them while assisting in our legislative labors, and assure them that when this session shall terminate they will take with them in the ways of life the best wishes of the members of this House, hoping the future will grant to each, health, happiness and prosperity.

On motion of Mr. Cave, the following resolution was adopted:

Resolved, By the House of Representatives of the Territory of Montana, the thanks of this House are hereby tendered to the Rev. W. Harris, for his kindness and efficiency as Chaplain of this House.

Mr. Speaker announced that he had signed C. Bs. Nos 59, 19, 34, 29, 6, 23.

Mr. Curtis in the chair.

Mr. Sanders moved the adoption of the following resolution:

Resolved, That it is the sense of the members of this House that the uniform ability, impartiality, urbanity and efficiency of the Hon. Samuel W. Langhorne, in the discharge of the duties of his office, deserves their especial mention and thanks, and that each member will hold his example and services as Speaker in grateful memory and esteem.

SANDERS.

Upon which motion the ayes and nays were called.

Those voting aye were—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Word, Worden—24.

Absent—Carmichael.

On motion of Mead, the House took a recess to 9 P. M.

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9 o'clock P. M.—The House resumed.

Mr. Speaker in the chair.

Roll called—quorum present:

On leave, Mr. Sanders introduced H. J. M. No. 6, read first and second times.

Mr. Sanders moved a call of the House.

Absent—Ford, Tierney, and Word.

On motion of Mr. Sanders, a further call of the House be dispensed with.

On motion of Mr. Sanders, the rules were suspended, the memorial was read the third time and passed.

Ayes—Beal, Brooke, Burkett, Carmichael, Chessman, Clewell, Curtis, Kenneally, Mead, Moore, of Deer Lodge, McCormick, McKnight, Olds, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Woodlock, Worden, Speaker—21.

Nays—Cave, Moore, of Gallatin, and Reed—3.

Absent—Ford and Word—2.

Title agreed to.

Mr. Speaker signed H. B. No. 88.

Mr. Carmichael reported as follows:

Mr. Speaker—Your Committee on Enrollment have handed to the Governor H. Bs. Nos. 79, 38, 68, 43 and 88, at 8:40 p. m.

Carmichael, *Chairman.*

Report received.

On motion of Sweeney, the following resolution was adopted:

Resolved, That the Council be requested to inform the House at once what disposition was made of C. B. No. 65, as it has not been received by the House.

Sweeney.

On motion of Mr. Sanders, the following resolution was adopted:

Resolved, That the Council be requested to inform the House what action by the Council, if any, has been had on H. B. No. 77.

On motion of Curtis, the House took a recess until 10 o'clock P. M.

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10 o'clock P. M.—The House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Speaker announced that he had signed C. B. No. 58.

The following message was received from the Council:

COUNCIL CHAMBER,
Feb. 11, 1876.

MR. SPEAKER—C. B. No. 65 passed the Council and was sent to the Aouse. H. B. No. 77 is made the special order for 2:30 P. M. to-morrow.

HARVEY R. COMLY,
Chief Clerk.

Also, as follows:

COUNCIL CHAMBER,
Feb. 11, 1876.

MR. SPEAKER—The Council have concurred in the resolution of the House to adjourn at 11:55 P. M. *sine die*; that H. B. No. 90 was lost in the Council; that H. B. No. 92 has passed the Council with amendments.

HARVEY R. COMLY,
Chief Clerk.

On motion of Mr. Sweeney, a Committee of three was appointed by the Speaker to wait upon the Council, and enquire by whom C. B. No. 65 was sent to the House.

Sweeney, Curtis, and Burkett were appointed such Committee.

Mr. Word moved that the House do not concur in Council amendments to H. B. No. 92, and that the Council be requested to recede therefrom.

On leave, Mr. Sanders introduced H. B. No. 93, An Act to provide for the care and maintainance of the territorial insane and for the building of an insane asylum, read first and second times.

Mr. Sanders moved a call of the House.

Absent—Cave, Langhorne, and Moore, of Deer Lodge.

On motion of Curtis, a further call of the House was dispensed with.

Mr. Sanders moved to suspend the rules and read H. B. No. 93 the third time by its title, which motion prevailed.

The bill was then read for information.

The bill was then read by its title and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Kenneally, Mead, McCormick, McKnight, Olds, Reed, Rotwitt, Sanders, Stuart, Sweeney, Tierney, Word, Worden, and Mr. Speaker—23.

Nays—Moore, of Gallatin, Moore, of Deer Lodge, and Woodlock—3.

Title agreed to.

On motion of Mr. Sanders, H. B. No. 92 was considered enrolled.

The following message was received from the Council:

COUNCIL CHAMBER,
Feb. 11, 1876.

MR. SPEAKER—The Council has reconsidered its action on H. B. No. 92, and has receded from its amendments to H. B. No. 92.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

Also, as follows:

COUNCIL CHAMBER,
Feb. 11, 1876.

MR. SPEAKER—I am instructed to inform you that H. J. M. No. 6 has been rejected by the Council.

That the communication as to C. B. No. 65 was incorrect, that the bill is found, and is herewith transmitted.

Also, as follows:

COUNCIL CHAMBER,
Feb. 11, 1876.

MR. SPEAKER—C. J. R. No. 10 has passed the Council.

Respectfully,
HARVEY R. COMLY,
Chief Clerk.

C. J. R. No. 10 read first time.

Mr. Sanders moved to reject. Carried.

Mr. Carmichael reported as follows:

MR. SPEAKER—Your Committee on Enrollment have examined H. B. No. 92 and find the same correctly enrolled.

CARMICHAEL, *Chairman.*

C. B. No. 65, An Act to provide for the custody, maintenance and treatment of the insane, read first and second times.

Mr. Sanders moved to amend as follows:

Strike out the words "the directory of St. John's hospital, in the town of Helena, or with the directory of any other hospital in this Territory," and insert the words "some reputable physician in the Territory who, in his opinion, will most carefully and humanely care for the same," in section 1.

Strike out the word "directory" and insert the word "physician" in lieu thereof, in line 2, section 2.

Also, strike out section 3.

Mr. Word moved that the main question be now put.

Motion lost.

Mr. Sanders moved to adopt the first sub-division of the amendment to C. B. No. 65, upon which the ayes and nays were called.

Ayes—Beal, Brooke, Cave, Carmichael, Chessman, Clewell, Curtis, Ford, Mead, Olds, Reed, Rotwitt, Sanders, Stuart, Worden, and Mr. Speaker—16.

Nays—Kenneally, Moore, of Gallatin, Moore, of Deer Lodge, McCormick, McKnight, Sweeney, Tierney, Woodlock, Word—9.

Absent—Burkett.

On motion of Sanders, the second sub-division was adopted.

McCormick moved to indefinitely postpone the bill with amendments. Lost.

Mr. McCormick moved to appoint a committee of three to wait on the Governor and inform him that the House was ready to adjourn, and that if he has any communications to make, the House would be pleased to receive the same. Carried.

McCormick, Moore, of Deer Lodge, and Tierney, were appointed as such committee.

C. B. 65 was read third time, and passed by the following vote:

Ayes—Beal, Brooke, Burkett, Cave, Carmichael, Clewell, Curtis, Ford, Kenneally, Mead, Rotwitt, Sanders, Sweeney, Tierney, Worden, Speaker—16.

Nays—Chessman, Moore, of Gallatin, McCormick, Olds, Reed, Stuart, Woodlock, and Word—8.

Title agreed to.

The following message has been received from the Governor:

MONTANA TERRITORY,
EXECUTIVE DEPARTMENT,
HELENA, Feb. 11, 1876.

To the House of Representatives:

I have the honor to inform the House of Representatives that on the 11th day of February, A. D. 1876, I approved H. B. 38, entitled An Act concerning the management of live stock and to protect the interests of stock growers in the Territory of Montana.

Also, on same day, I approved H. B. No. 68, entitled An Act for the relief of minor heirs, in certain cases.

Also, on the same day, I approved H. B. No. 79, entitled An Act to amend section 73 of chapter 6, of the criminal laws of Montana Territory.

Also, on the same day, I approved H. B. No. 92, entitled An Act to provide for the manner of conducting elections.

Very respectfully,
B. F. POTTS, *Governor.*

McCormick moved to re-consider the vote by which C. J. R. No. 10 was rejected. Motion carried.

On motion of Sanders, the Sergeant-at-Arms was instructed to inform the Council that the House has re-considered the vote by which C. J. R. No. 10 was rejected.

The hour of 11:55 having arrived, the House of the 9th Legislative Assembly adjourned *sini die.*

S. W. LANGHORNE,
Speaker of the House of Representatives.

A. H. BARRET, *Chief Clerk.*

OFFICE OF THE SECRETARY OF MONTANA,
HELENA, February 22, 1876.

I, James E. Callaway, Secretary of Montana Territory, do hereby certify that the foregoing Journal of the House of Representatives of the Ninth Legislative Assembly of the Territory of Montana, is a full and correct copy of the original Journal now in my office.

[SEAL.] In testimony whereof, I have hereunto set my hand and affixed the seal of the Territory of Montana, this the day and year above written.

J. E. CALLAWAY, *Secretary.*